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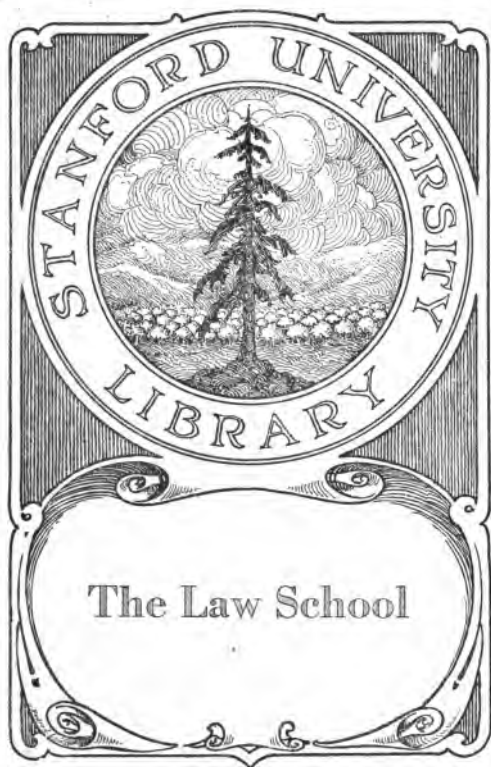
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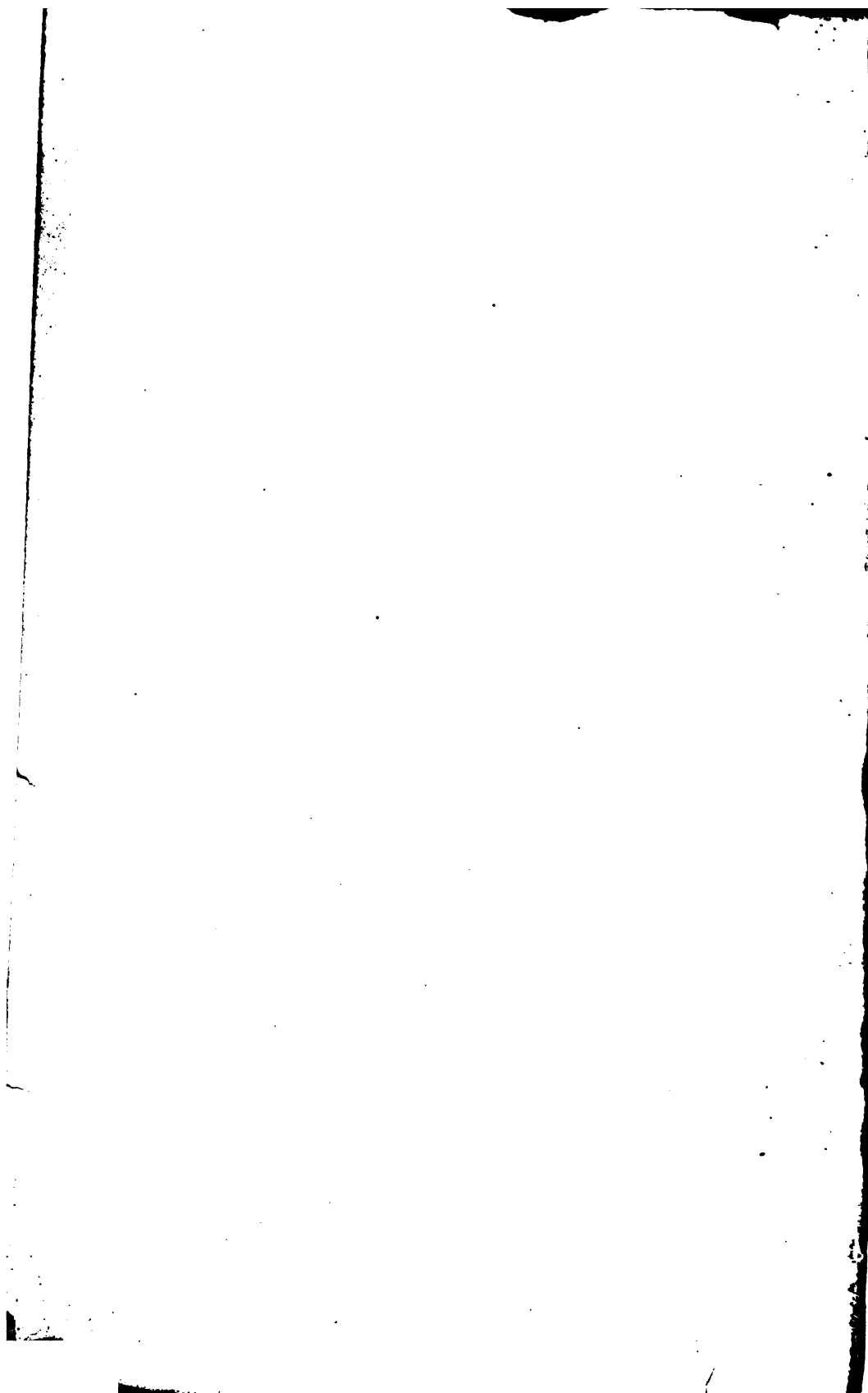
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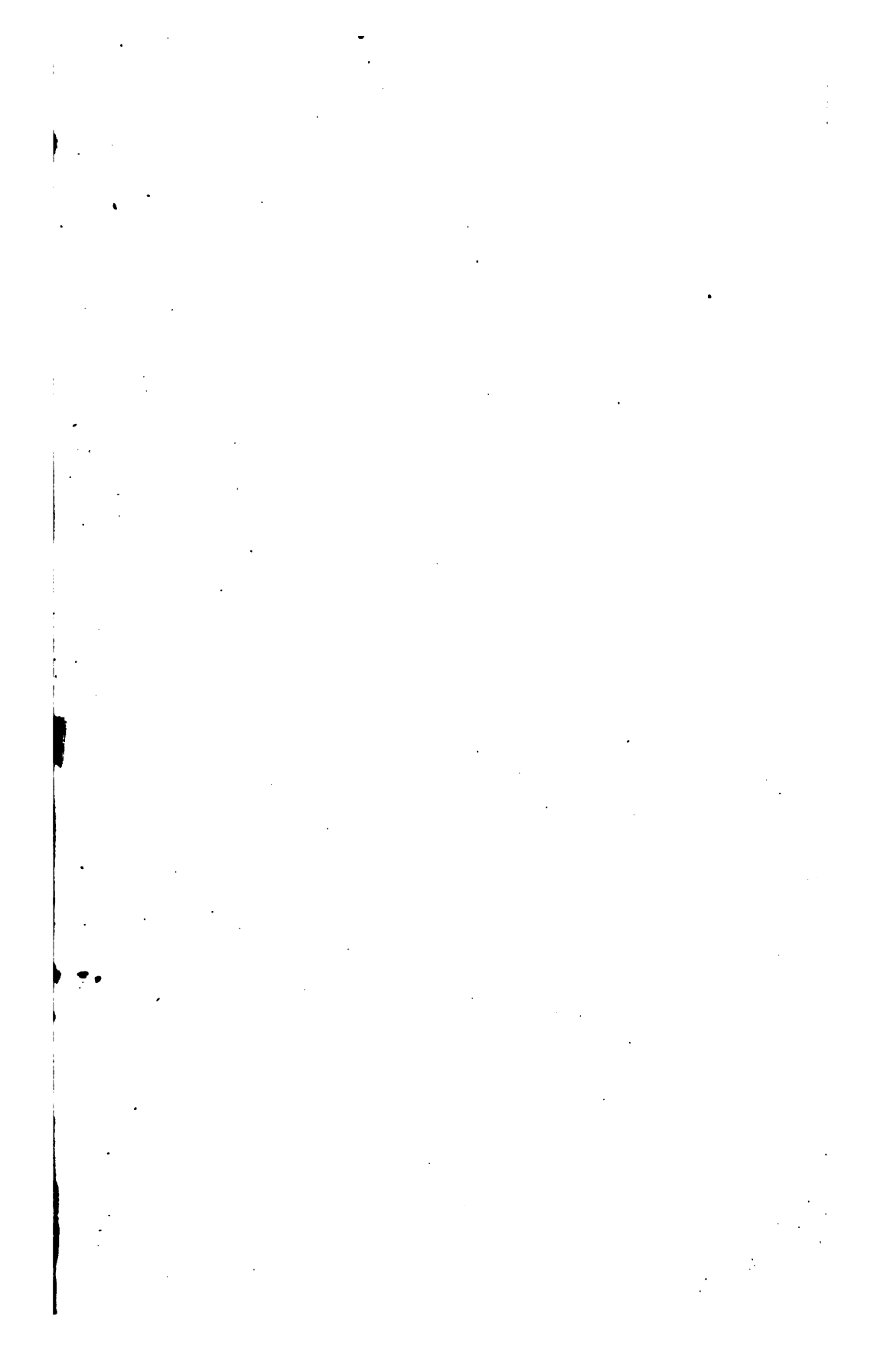
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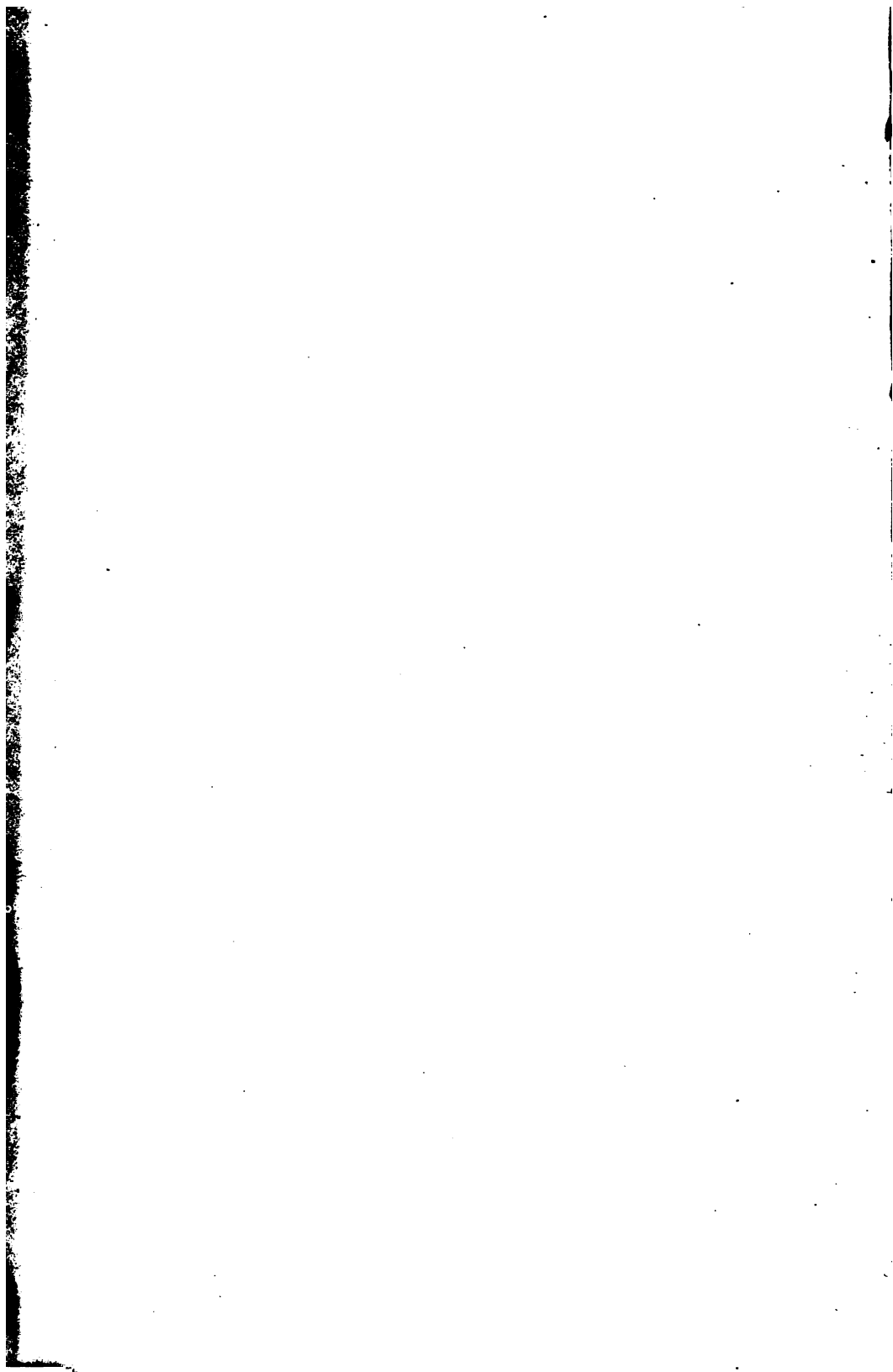
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OF THE
STATE OF NEW JERSEY,
AND
THIRTY-SEVENTH UNDER THE NEW CONSTITUTION.



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HENRY C. KELSEY,
Secretary of State.

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OF THE
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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND FIFTH LEGISLATURE.

CHAPTER I.

An Act authorizing the United States to change the channel of Cheesequakes creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey consents and authorizes the United States to change the channel of Cheesequakes creek, where it empties into Raritan bay, in the county of Middlesex and its tributary, according to the plans and report of Brevet Major General John Newton, transmitted by the secretary of war to the forty-sixth congress of the United States, as follows:

"The proposed improvement of the bar is by means of jetties of heavy stones running out into the bay about fifteen hundred feet, nearly at right angles to the present shore line, and about two hundred and fifty feet apart, on a platform made of pile timber securely rafted; these jetties are to be built to the level of mean high water at the shore ends and gradually slope to the level of half tide at the outer ends; the

The United States authorized to change channel, &c.

Description of proposed improvement.

width on top is to be six feet, with a batter of one upon two, on the seaward or outside and one upon one, on the channel side; a channel two hundred feet wide and five feet deep at mean low water is to be dredged from the present channel to the outer ends of the jetties; the present flow of the creek is to be dammed by a dike from the railroad bridge across the present channel to the gravel bar, as soon as a new channel is completed; at the mouth of Buck creek it is proposed to construct a jetty about two hundred feet long, to give a proper direction to the flow of that creek at its junction with Cheesequakes creek; from Buck creek to New Landing, there is a fair channel of four feet and over at mean low water; at the latter place it is proposed to turn the creek by means of a cut through the salt meadow, thereby avoiding a bad bar just above, and also a sharp bend in the channel; this cut will enter the creek again at Forman's dock, but in order to get rid of a sharp bend just above this dock, it is proposed to carry the cut still further and to dredge off the point of salt meadow on the opposite side of the creek; in order to make this cut effective, two short dikes are required, one starting from the shore at or near New Landing, and running on the left of the channel for about seven hundred feet, and another above Forman's dock, about three hundred feet long, to turn the water into the new channel; a small amount of dredging is also required to give a channel of four feet at mean low water for a short distance above; about one-quarter of a mile above Forman's dock there is another sharp bend, which it is proposed to cut off, by dredging through the salt meadow; this cut will be about eight hundred feet long, and requires about three hundred feet of dike where it enters the old channel again; from this point it will require dredging to give a channel of four feet at mean low water, nearly all the way to Whitehead's dock, there being only a few holes of more than that depth; Stump creek, which joins Cheesequakes creek between the railroad and county road bridges, it is proposed to dredge a channel three feet deep, at mean low water, and fifty feet wide; all the dikes are to be according to the general plan, with a width of five feet from out to out of piling, and filled with rubble stone, with such modifications as shall be necessary as the work progresses, in order to accomplish the improvement contemplated."

2. *And be it enacted*, That the board of chosen of freehold-ers of the county of Middlesex, are authorized to remove the present bridge across the mouth of Cheesequakes creek, to and across the new channel when the said new channel shall be completed by the United States government.

Board of free-holders authorized to remove bridge, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

GEORGE C. LUDLOW,
Governor.

HARRISON VAN DUYNE,
Speaker of the House.

GARRET A. HOBART,
President of the Senate.

CHAPTER II.

A Supplement to "An act for the punishment of crimes"
[Revision], approved March twenty-seventh, one thousand
eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person serving out a sentence of imprisonment in the state prison, or in any county penitentiary or in any county jail in this state, shall escape from such prison, penitentiary or jail, and shall be recaptured, such person shall be required to serve out the whole of the term for which he was originally sentenced, without deducting any of the time he shall have been at large after so escaping; and it shall be the duty of the keeper or warden of such prison, penitentiary or jail, to enter upon his record of prisoners the time of the escape of any such prisoner, and the time when he shall be returned to custody, and the entry so made shall be *prima facie* evidence of the time such prisoner has been absent from custody, in computing the remaining period for which he is to be confined in the prison, penitentiary or jail to which he was originally sentenced.

Person escaping from state prison, jail, &c., on recapture shall serve out whole of term for which he was sentenced.

Keeper or warden to make entry of escape and recapture.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER III.

An Act to authorize cities to exchange registered for coupon or registered bonds.

WHEREAS, several of the cities of this state have heretofore issued registered bonds, which, by reason of the settlement of estates or other legal cause, renders it necessary to divide or parcel the original amount of such bonds, and because of the present law such division by exchange or surrender of the original bonds is stopped, thereby causing much inconvenience and loss; therefore,

Authorities may issue registered bonds in exchange for coupon or other bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the financial authorities of any city of this state, where coupon or registered bonds have been heretofore issued or may be hereafter issued, may upon application issue registered bonds in exchange for either coupon or registered bonds in such amounts as said authorities may in their discretion determine, and which bonds so exchanged shall be made payable at the same time and bear the same rate of interest as the bonds surrendered for exchange and which surrendered bonds shall be cancelled; provided, *that no authority for any increase of indebtedness shall be inferred from this act*; and provided further, *that any bond re-issued or issued in substitution under this act shall be subject to any defence, legal or equitable, which was or would have been available against the bond or bonds originally issued.*

Proviso.

Proviso

Bonds issued to be registered in proper books.

2. *And be it enacted*, That the authorities issuing such registered bonds shall provide for the registration thereof in proper books to be kept for that purpose, and for the transfer of said bonds upon said books.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER IV.

An Act in relation to official bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the execution of the official bond of any officer of any county, city, incorporated town, village, borough or other municipality, or of any township in this state, shall be duly acknowledged and proven in the manner provided by law for taking the acknowledgment and proof of deeds, it shall be lawful for the clerk of the county wherein such officer resides to record such bond, with the acknowledgment and proof of the execution of the same, in a book labeled "public officers' bonds," which book shall be provided by him at the expense of the county, and shall be indexed in the names of the officers and their sureties, and of the corporations to which the bonds are respectively given; for which service the said clerk shall be entitled to demand and receive the sum of one dollar; and a copy of such record, duly certified under the hand and seal of such clerk, for the time being, shall be evidence in all courts and places the same as if the original bond were produced.

County clerks to record the official bonds of officers of counties, cities, &c.

Fee for recording.

Certified copy of record to be evidence.

2. *And be it enacted*, That if the accounts of any such officer shall be at any time examined by the authorities of the corporation to whom his bond is given, or by the proper board, committee or officer of such corporation, and shall be by such board, committee or officer, certified to be correct, and such certificate shall be duly acknowledged and proved, in the same manner as the bond, it shall be lawful for the clerk of the county to file said certificate in his office, and to note the substance thereof on the side or bottom margin of the page containing the record of the bond, for the information of all concerned.

Certificate of the examination of accounts of officers, &c., may be filed with county clerk.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER V.

A Supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Husband or
wife of person
charged with
murder or
manslaughter
may testify as
witness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon any trial hereafter had, of any indictment of any person charged with the crime of murder or manslaughter, the husband or wife of the person so charged shall be admitted to testify as a witness upon such trial, if he or she offer himself or herself as a witness therein on behalf of the person so charged.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER VI.

A Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions heretofore in force relative to the advertisement of sales of lands have not been in all respects complied with, whereby the titles to certain lands are alleged to be defective or uncertain ;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of real estate heretofore made shall be invalidated by reason of any omission to advertise any adjournment of sale, or any irregularity in the advertisement of any adjournment of sale, but the purchaser of any such real estate having paid the price thereof and received his or her deed, shall be deemed to have as good and complete title thereto, as if such adjournment had been in all particulars duly advertised.

Approved February 5, 1881.

CHAPTER VIII.

An Act to authorize an increase in the number of the directors or managers of railroad companies.

Directors or managers of railroad companies authorized to select stockholders to act as vice presidents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors or managers of any railroad company, incorporated under or by the laws of this state, be and they are hereby authorized and empowered to add to their number by selecting from the body of stockholders, from time to time, an additional member or members, who shall be and act as a vice president or additional vice presidents of such company, and who shall have such powers and perform such duties and receive such compensation as the board of directors or managers, by its by-laws, rules, regulations or by resolution, may establish and direct; *provided, however*, that the number of directors or managers of any such company, shall not, thereby, be increased beyond twenty.

Proviso.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and all acts, or parts of acts, inconsistent with this act, are hereby repealed.

Approved February 8, 1881.

CHAPTER X.

An Act to reduce the expenses of public road boards, and to place them under the control of the boards of chosen freeholders of the several counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners constituting the county public road boards, which now exist or may hereafter exist in any of the counties of this state, under the laws thereof, shall consist of members of the boards of chosen freeholders of said counties respectively, to be appointed in the same manner as the standing committees of the said boards of chosen freeholders are or may be appointed for the time being, which persons so appointed shall continue in office only during the time for which they shall have been elected as such chosen freeholders, but be subject to removal at the pleasure of said boards of chosen freeholders, and shall receive only such compensations for their services as such commissioners as shall be fixed from time to time by the said boards of chosen freeholders; *provided*, that no more than a major part of the commissioners of any public road board shall be of the same political party; *and provided, further*, that nothing herein contained shall be construed to affect the tenure of office or compensation of any commissioner now in office and in actual service as a member of any such road board: but that every such person who duly qualified and entered on the discharge of his duties on or before the first Monday of January, one thousand eight hundred and eighty-one, and has ever since been actually serving as such member, whether elected by the people or by the said boards of chosen freeholders, under any general or special law of this state, shall be entitled to hold his said office during the time for which he was so elected; *provided*, that the provision of this act shall not apply to or affect in any way township road boards.

2. *And be it enacted*, That all acts and parts of acts incon-

sistent with any of the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 10, 1881.

CHAPTER XI.

An Act to provide for the relief of the poor in cities.

Appropriations
for relief of the
poor, how
made and
amount, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation made for the aid and relief of the poor in cities for the year ending in one thousand eight hundred and eighty, has been already expended and was insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city, or in the absence of such board then the board of aldermen of any such city, to make a further appropriation at any time, in such amount not exceeding two thousand dollars, as said board of finance or aldermen may deem reasonably necessary, for the purpose of such aid and relief.

Board may bor-
row money
and issue evi-
dences of in-
debtedness, &c.

2. *And be it enacted*, That said board of finance or aldermen is hereby authorized to borrow the amount of money which it may by this act appropriate, for the purpose of such appropriation in anticipation of taxes next thereafter to be levied, and to issue proper evidence of indebtedness therefor, which shall be signed by the mayor, sealed with the seal and attested by the clerk; and the said board of finance or aldermen, as the case may be, shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1881.

CHAPTER XII.

An act authorizing townships to prevent cattle running at large.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the voters of any township in this state, if there be no special law on the subject then in force in said township, at their annual town meeting, to vote by ballot, whether cattle, sheep or horses shall be permitted to run at large in said township; and if a majority of the voters voting at said election shall vote to prevent the same, such determination shall continue in force and shall not be altered for the term of two years.

Voters to vote whether cattle, sheep or horses shall run at large.

Determination of majority of voters to continue in force two years.

2. *And be it enacted*, That it shall be lawful for any person to drive or convey to the public pound of the township voting as aforesaid, any cattle, sheep or horses found running at large in the streets or highways, and impound the same; and the keeper or keepers of the public pounds in the township are required to receive all such cattle, sheep or horses, under a penalty of ten dollars, to be recovered in an action of debt, in any court of competent authority, by any person prosecuting for the same, for his own use and benefit, for each infraction of this act; the keeper shall have twenty-five cents per head for letting in, and fifteen cents per head for letting out of the pound, and for feeding and keeping while in the pound, twenty-five cents per head for each day or part of a day they shall continue in said pound; and if the owners of said cattle, sheep or horses so impounded shall not pay the charges for impounding and keeping the said cattle, sheep or horses within five days after the same shall be impounded, and take the same away, it shall be the duty of the said pound keeper to sell the same, giving at least five days' notice of such intended sale, set up in three or more public places in such township; and if the owner shall not redeem the same before the time so notified, then the pound keeper shall sell the same

Cattle, &c., may be impounded found running at large, and keeper of pounds shall receive all cattle, &c.

Fee for letting in and out of pound.

Failure of owner to pay for impounding, &c., keeper to sell cattle, &c.

accordingly, and out of the money arising from such sale shall pay the charges of conveying to and letting in the pound, keeping and feeding the same, and one dollar for advertising and selling the same, and pay the surplus to the owner or owners of said cattle, sheep or horses, if they shall appear and claim the same within six months after such sale; and if the owner or owners shall not appear within six months as aforesaid, then to the overseer of the township, for the use of the poor of said township.

Fee for bringing cattle, &c., to the public pound.

3. *And be it enacted*, That for bringing cattle, sheep or horses to the pound, the party bringing the same shall receive twenty cents a head from the pound keeper, to be by him collected from the owner, in same manner as fees provided for in second section.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1881.

CHAPTER XIII.

An act to extend the time of chartered railroad companies whose time for completing their railroads shall expire in the year one thousand eight hundred and eighty-one, where work has been performed on said railroads, or money expended thereon.

Time for completion of railroads extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state under special acts shall expire in the year one thousand eight hundred and eighty-one, such time shall be and the same hereby is extended for the further period of two years; *provided, however*, that money shall have been actually expended in surveys, or location of route, or in acquiring rights of way, or in construction of such railroad.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1881.

CHAPTER XV.

A Supplement to an act entitled "An act to authorize the apportionment of taxes, assessments and water rents," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any part of any plot or parcel of land has or shall be taken for the opening, widening or extension of any street or avenue in any township or city in this state, all taxes, assessments and water rents that shall be a lien upon the whole plot or parcel of land from which such plot or parcel shall be taken for such opening, widening or extension as aforesaid, shall be equitably and justly apportioned between the plot or parcel so taken for such opening, widening or extension, and the balance that shall remain of the plot or parcel from which the same has or shall be taken as aforesaid, in the same manner and form, and by the same authority as is provided in said act to which this is a supplement.

Taxes, assessments and water rents upon plots or parcels of land taken for opening, widening or extension of any street, &c., how apportioned.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

CHAPTER XVI.

An act providing that any husband or wife may give evidence in their own behalf, or for or against each other, in proceedings for divorce on account of adultery.

Husband and wife may give evidence in proceedings for divorce.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any husband or wife may give evidence on their own behalf, or for or against each other, in any proceedings in this state for divorce on account of adultery, any law of this state to the contrary notwithstanding; *provided*, this act shall not apply to any proceedings for divorce commenced before the passage of this act.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this shall be a public act, and take effect immediately.

Approved February 16, 1881.

CHAPTER XVII.

An act to provide for excavating a cellar and relaying floor in the front part of the state house.

Treasurer authorized to excavate cellar and have a new floor laid, &c., in state-house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and directed to cause a cellar to be excavated under the front part of the state house, and a new floor to be laid in the front hall and rotunda thereof, corresponding as nearly as practicable, with the marble floor in the centre and rear part of the building, and the treasurer is hereby author-

ized to pay, upon the warrant of the comptroller, the bills for the said work out of any moneys in the treasury not otherwise appropriated ; *provided*, that the entire cost of the work shall not exceed the sum of three thousand five hundred dollars. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

CHAPTER XVIII.

A Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of notice given, or other proceeding taken for the purpose of examining or taking the deposition of any witness within this state, pursuant to the laws of the United States, to be used in any civil action or proceeding pending in any court of the United States, or pursuant to the laws of any other state or territory, to be used in any civil action or proceeding pending in any court of such state or territory, any justice of the supreme court of this state may, upon application made to him with proof by affidavit that the testimony of such witness is material to the applicant, make an order awarding process of subpoena out of the said court, for such witness to appear and testify in pursuance of such notice or other proceeding, and before such commissioner or person as shall be named in such order, and upon filing such order in the office of the clerk of the supreme court, it shall be the duty of the said clerk to issue process of subpoena, under the seal of the said court, requiring such witness to appear and testify accordingly, which shall be served in the same manner, and be of the same force and effect as like process in any other case, and any person

Justice of supreme court may make an order awarding process of subpoena for witnesses to appear and testify.

 Clerk to issue process, &c.

attending in pursuance of such subpoena shall be entitled to the same fees as witnesses in other cases, and any witness disobeying such process shall be subject to the same penalties as are provided for in cases pending in the supreme court of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

CHAPTER XIX.

An act to repeal section five of the act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, one thousand eight hundred and forty-six.

Section to be
repealed re-
cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, one thousand eight hundred and forty-six, which reads as follows :

Section re-
pealed.

"5. *And be it enacted*, That there shall be allowed to the secretary of state for making and preparing marginal notes and an index as aforesaid, the sum of fifteen cents for every hundred words," be and the same is hereby repealed.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved February 16, 1881.

CHAPTER XX.

An act to amend section three of the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six, be and is hereby amended so as to be and read as follows: Section to be amended re-cited.

"3. *And be it enacted*, That the newspapers designated in accordance with the foregoing sections shall be deemed the legal newspapers of the state for that year, and shall be authorized to publish all the general public acts, and such special public acts only as may be applicable exclusively to the respective counties in which the said papers are published, and no publisher shall be entitled to receive compensation for publishing any act, unless such publication shall be made within ninety days after the said act shall have been filed in the office of the secretary of state; the compensation for publishing the laws published in pursuance of this act shall be at the rate of sixty cents per folio of one hundred words, which shall be paid from the state treasury upon the warrant of the comptroller, and it shall be the duty of the secretary of state to furnish to the said newspapers copies of the laws herein required to be published;" *provided*, that nothing in this act shall be so construed as to render illegal any public notices or advertisements whatever, and shall only apply to the publication of the laws. Section as amended. Newspapers authorized to publish laws. Compensation for publishing the laws. Proviso.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved February 16, 1881.

CHAPTER XXI.

An act to amend section nine of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," [Revision,] approved April seventeenth, one thousand eight hundred and forty-six.

Section to be amended re-cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," [Revision,] approved April seventeenth, one thousand eight hundred and forty-six, be and is hereby amended so as to be and read as follows :

Section as amended.

" 9. *And be it enacted*, That the secretary of state shall cause a true copy of each and every law, so delivered to him to be made, and within four weeks from the end of every sitting of the legislature, deliver the same to the person appointed to print the laws of the state ; and it shall be the duty of the secretary of state to assist the printer who may be appointed as aforesaid, in comparing the proof sheets with the original laws, for which purpose the said printer is required to attend at the office of the secretary of state, with the proof sheets of all such laws as he may be appointed to print ; and it shall also be the duty of the said secretary of state to make marginal notes to said laws."

Secretary of state to furnish copies of laws to printer, &c.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved February 16, 1881.

CHAPTER XXII.

A Supplement to the act entitled "A supplement to the act entitled 'An act fixing the compensation of certain public officers of the state,'" approved March tenth, one thousand eight hundred and seventy-nine, and relating to the compensation of the secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state of this state shall not be entitled to, or take, receive or retain, except for the use of the state, any compensation, pay, fee or emolument whatsoever. other than the annual salary of six thousand dollars fixed and provided for in section three of the act to which this is a supplement, for any act or service performed, or thing done or furnished by him, in any official capacity, or under any law of this state, including the preparation and furnishing of copies of the laws for publication in the several newspapers designated to publish the same and the preparation and furnishing of a copy of the laws to the person authorized to print the pamphlet laws of the state, in each and every year.

Secretary of state not entitled to receive or retain, except for use of the state, any compensation, fee, &c., other than the annual salary.

2. *Any be it enacted*, That said salary of six thousand dollars shall be paid monthly by the treasurer of the state, on the warrant of the comptroller, and for the allowance of four thousand dollars provided for in said section three of the act to which this is a supplement, for clerk hire, the said secretary of state shall, at all times, employ and keep in his office a sufficient number of competent clerical assistants for the efficient and prompt performance of all the business and duties belonging and appertaining to his said office, or required of him in any his official capacity, who shall be paid monthly.

Salary to be paid monthly by the treasurer.

Clerical assistance to be employed, &c.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and are hereby repealed, and that this shall be a public act and take effect immediately.

Repealer.

Approved February 16, 1881.

CHAPTER XXIV.

An act to encourage the manufacture of sugar in the state of New Jersey.

Preamble.

WHEREAS, The encouragement of new productive industries in the state of New Jersey is calculated to advance the vital interests of the state, and the cultivation of beets, sorghum, amber or other sugar cane to be manufactured into sugar would be a new source of industry, and would, besides, bring under cultivation large areas of land of the state now unproductive, and be beneficial to the state at large; therefore.

Treasurer of state to pay bounty for the manufacture of sugar.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, With a view to stimulate the culture of beets, sorghum, amber or other sugar cane, and the manufacture thereof into sugar, that for every ton of two thousand pounds of beets, sorghum amber or other sugar cane raised by any farmer in the state and manufactured into sugar in the state, the sum of one dollar shall be paid as a bounty to the farmer by the treasurer of the state upon the proper vouchers being presented as hereinafter specified.

Amount to be paid for every pound of sugar manufactured in this state.

2. *And be it enacted*, That the sum of one cent per pound upon all merchantable sugar made within the state from beets, sorghum or other sugar cane grown within the state shall be paid by the treasurer of the state to any person or persons who shall establish a plant or sugar manufactory within the state and shall manufacture sugar from beets, sorghum, amber or other sugar cane raised in the state, upon the proper vouchers being presented as hereinafter specified.

Chief of bureau of labor and industries to have general supervision, control and decision of all questions arising under this act.

3. *And be it enacted*, That the "Chief of Bureau of Labor and Industries" shall have the general supervision, control and decision of all questions which may arise pursuant to the provisions of this act, and shall approve and certify the vouchers presented to him, duly receipted by the growers and manufacturers, setting forth the quantities grown or manu-

factured by him or them, whose affidavit of the truthfulness shall be first affixed to the said vouchers, and be attested by the clerk of the county in which the products are grown or manufactured, which vouchers shall be subject to such further scrutiny as the chief of said bureau may find necessary, or as the legislature may hereafter order.

4. *And be it enacted*, That this act shall continue in full force and effect for the term of five years, and shall take effect immediately. Act to continue in force.

Approved February 16, 1881.

CHAPTER XXV.

An act to authorize railroad corporations to construct, acquire, maintain and operate lines of telegraph for commercial and public uses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for every railroad corporation of this state, organized by virtue of any special act of incorporation, or otherwise, and for every railroad corporation organized under the laws of another state, but leasing or operating a railroad or canal in this state, and such corporations are hereby authorized and empowered to erect, establish and maintain a line or lines of telegraph for public use, over, along, and upon the lands and rights of way of such railroad corporations, and over, along, and upon the lands and rights of way of such railroad and canal corporations of which such railroad corporation may be the lessee or operator, and over, along, and upon the lands and rights of way of any other railroad corporation, with the consent, and not otherwise, of such other railroad corporation, and to erect, establish and maintain extensions of such telegraph line or lines in any direction from such primary or main line, for such distance as may be necessary to reach business centres, over, along, and upon the public roads and highways of this

Railroad corporations empowered to construct, maintain and operate lines of telegraph over lands, &c.

Proviso.

state or otherwise; *provided*, that the use of public streets in any incorporated city of this state, for the erection of such extensions of said telegraph line shall be subject to such reasonable regulations as may be imposed by the corporate authorities of said cities.

Offices to be established and maintained for transmission of messages.

2. *And be it enacted*, That it shall be the duty of every railroad corporation availing itself of this act to establish, maintain and keep open for the reception and transmission of messages by its telegraph lines at least one office in every twenty-five miles traversed by its said lines of telegraph; and it shall be the duty of said railroad corporation to receive and transmit all messages tendered for transmission, upon being paid such charges as, by law, the said corporation may charge for such service.

Authorized to charge and receive and collect for transmission of messages.

3. *And be it enacted*, That any railroad corporation availing itself of this act, shall be and hereby is authorized to charge, receive and to collect before transmission, for each message of not more than ten words, twenty-five cents; and for each additional word, one cent; *provided, however*, that said messages are intended to be transmitted only over the telegraph lines of the company to whom such messages are tendered.

Proviso.

Railroad corporations may make and enter into arrangements with other railroad or telegraph companies, &c.

4. *And be it enacted*, That it shall be lawful for any railroad corporation, availing itself of this act, and it is hereby authorized and empowered to enter into, make and perfect such business arrangements with any other railroad or telegraph corporation of this or of any state, as shall be mutually agreed upon by said corporations, for the reception and transmission of messages over the telegraph lines of said railroad and telegraph corporations; and for all messages to be transmitted over the telegraph lines of other corporations, every railroad corporation availing itself of this act to whom such messages shall be tendered, may charge, receive and collect reasonable and customary rates for such transmission.

Repealer.

5. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved February 17, 1881.

CHAPTER XXVI.

An Act concerning the sale of turnpike, bridge, plank road, gas, water, or gas and water companies, and providing for the reorganization thereof after such sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the property, rights, powers, immunities, privileges and franchises of any turnpike, bridge, plank road, gas, water, or gas and water corporation created by or under any law of this state, shall be or has been sold and conveyed under and by virtue of any process or decree of any court of this state, or of the circuit court of the United States, the person or persons for or on whose account such property, rights, powers, immunities, privileges and franchises may be purchased shall be and they are hereby constituted a body politic and corporate, and shall be and they are vested with all the right, title, interest, property, possession, claim and demand in law and equity of, in and to such turnpike, bridge, plank road, gas, water, or gas and water company, with its appurtenances and with all the rights, powers, immunities, privileges and franchises of the corporation as whose the same may have been sold, and which may have been granted to or conferred thereupon by any law of this state in force at the time of such sale or conveyance, and the persons for or on whose account any such property, rights, powers, immunities, privileges and franchises of such corporation which may or shall have been purchased under and by virtue of any process or decree of any court of this state or of the circuit court of the United States may organize said new corporation by the election of such officers and directors, issue such certificates of stock, create and issue such preferred stock, and from time to time issue such bonds and secure the same as was authorized by the act or acts under and by which said former corporation was created.

Purchasers constituted a body politic and corporate, and vested with all the rights, titles, &c.

Purchasers may organize new corporation.

Certificate of
organization
to be filed and
recorded.

2. *And be it enacted*, That it shall be the duty of such new corporation within one calendar month after its organization to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name, the amount of capital stock, and the names of its president and directors, and transmit the said certificate to the secretary of state, to be filed in his office and there remain of record, and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1881.

CHAPTER XXVII.

An Act to amend "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be
amended re-
cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of "An act relative to the writ of certiorari" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Section as
amended.

Court shall de-
termine dis-
puted ques-
tions of fact,
&c., in cases of
writs of certio-
rari.

9. *And be it enacted*, That in all cases of writs of certiorari brought to remove any tax or assessment or other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, it shall be the duty of the court to determine disputed questions of fact as well as of law, and to inquire into the fact by deposition taken on notice, or in such other manner as is according to the practice of the court, and thereupon to reverse or affirm in the whole or part such tax, assessment, or other order or proceeding, according to the justice of the case.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved February 17, 1881.

CHAPTER XXVIII.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to avoid the expenses necessarily attendant upon the vacation of private roads in the manner now authorized by law, whenever any private road, laid out according to law by the surveyors of the highways, over one or more tracts of land lying in the same county, shall have been unworked and unused as such for a period of not less than five years, then and in such case such private road unworked and unused as such for said term, shall be and hereby is declared to be vacated, without the notice and application and other proceedings specified in the act to which this act is a supplement, or in any act supplementary thereto; *provided*, that the owner or owners of the land to or from which said private road leads, and the owner or owners of the lands over which said private road was laid as aforesaid, shall have filed in the office of the clerk of the county wherein said road lies, their assent in writing to said vacation, proven or acknowledged before some officer authorized to take the proof and acknowledgment of deeds in this state, and endorsed by said officer with his certificate thereof. Private roads unused declared vacated upon assent of owners of lands, &c.
Proviso.

2. *And be it enacted*, That it shall be the duty of said clerk, upon receiving said assent in writing, to endorse upon it the date of its receipt in his said office and to file it therein, and also to record the same, with the certificate of the proof or acknowledgment thereon endorsed in the book in which are Assent to be filed and recorded in county clerk's office.

attending in pursuance of such subpoena shall be entitled to the same fees as witnesses in other cases, and any witness disobeying such process shall be subject to the same penalties as are provided for in cases pending in the supreme court of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

CHAPTER XIX.

An act to repeal section five of the act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, one thousand eight hundred and forty-six.

Section to be
repealed re-
cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, one thousand eight hundred and forty-six, which reads as follows :

Section re-
pealed.

"5. *And be it enacted*, That there shall be allowed to the secretary of state for making and preparing marginal notes and an index as aforesaid, the sum of fifteen cents for every hundred words," be and the same is hereby repealed.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved February 16, 1881.

CHAPTER XXX.

An act to amend an act entitled "A supplement to an act entitled 'An act concerning judgments,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April thirteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act concerning judgments,' approved March twenty-seventh, one thousand eight hundred and seventy-four," be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action brought or to be brought in the supreme court, or court of chancery, or any circuit court, or court of common pleas in this state, wherein judgment shall have been or may hereafter be recovered, or the decree of said court of chancery is or may hereafter be entered in the supreme court of this state against two or more defendants thereto, and the party in whose favor said judgment is rendered or decree entered shall have received satisfaction thereof from any defendant or defendants less than the whole number of defendants, it shall and may be lawful for the person so receiving satisfaction, either by himself or his attorney, to enter an acknowledgment of satisfaction as to said defendant or defendants, from whom satisfaction thereof shall have been received, upon the record of said judgment or decree, or in case the judgment or decree shall not have been made up and recorded, then such satisfaction may be entered in the minutes of the court where such judgment or decree shall have been rendered or entered, and such acknowledgment of satisfaction

Section to be amended recited.

Section as amended.

When a judgment is recovered against two or more defendants, satisfaction may be entered as to defendant or defendants satisfying same.

Not to operate
as a release or
discharge of
other defend-
ants.

heretofore or hereafter entered shall not operate as a release or discharge of said judgment or decree as to any defendant liable thereon primarily to or equally with the defendant or defendants as to whom such acknowledgment of satisfaction shall have been entered, but may be assigned to such defendant or defendants as have satisfied the same, and he or they shall have full control of said judgment or decree, and may issue execution thereon against such defendant or defendants as to whom there has been no satisfaction entered the same as if there had been no payment whatever, and no satisfaction had been entered ; *provided*, that such defendant or defendants shall only recover on such execution the proportional share of said judgment or decree for which the defendants as to whom such satisfaction has not been entered were originally liable ; *and provided further*, that previous to issuing said execution the amount for which it shall issue shall have been fixed by the chancellor or a judge of the court out of which said execution shall be issued upon application of the party desiring to issue the same, made upon two days' notice to the person or persons against whom it is intended said execution shall issue.

Proviso.

Proviso.

Approved February 18, 1881.

CHAPTER XXXI.

An act concerning past-due assessments in certain towns and townships of this state.

Preamble.

WHEREAS, In certain towns and townships of this state many of the benefit assessments for local improvements heretofore made by commissioners, the township committees, or the commissioner of public roads of said town or township, as the case may be, against the owners of lands and real estate

claimed to have been specially benefitted thereby, were laid upon illegal and erroneous principles, and without regard to the peculiar benefit derived by reason thereof, as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; *and whereas*, collections thereof cannot be enforced by the corporate authorities of such towns and townships, but such assessments are liable to be vacated by the courts; *and whereas*, in many instances the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of township committee, or governing body of any town or township, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and to accept such lesser amount in full payment and satisfaction thereof, or such common council, board of township committee or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing, to submit to, abide by, and pay the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; and further, that such award may, at any time, upon five days' notice in writing, be made a rule of the circuit court of the county wherein such town or township may be situate, and from and after the entry thereof such owner or owners shall be personally liable for the payment of the amount so awarded.

2. *And be it enacted*, That in case such common council, board of township committee or other governing body shall refuse to arbitrate such illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days' notice in writing, make application to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the

Common council, &c., authorized and empowered to rebate and reduce assessment or assessments.

May agree to arbitrate assessments upon application of owners.

Upon refusal of common council to arbitrate, arbitrators may be appointed upon application of owners of land.

Arbitrators to
make award
or report in
writing.

peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice, in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign an award or report in writing, stating therein the amount of such peculiar benefit, the same to be binding and conclusive; said award or report may likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

CHAPTER XXXII.

An act validating sales for taxes, and certificates and declarations issued in pursuance of such sales, and tax titles, in cases where a variance has heretofore occurred between the date of the notice of such sales required by any law of this state, and the actual publication thereof.

Sales for taxes
and certificates
and declarations,
issued in
pursuance
thereof, vali-
dated.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where public notice for a specified time has been or now is required by any law of this state, general or special, before proceedings are had for the public sale of lands for unpaid taxes, and a variance has heretofore occurred between the date of the notice of any such sale and the actual publication thereof, no such sale, or certificate or declaration of any such sale, had, pursuant to such notice, or tax title heretofore or hereafter issued in pursuance

thereof, shall be set aside and holden for naught by reason of such variance; and the title of the purchaser under such sale, or his assignee, and of all persons holding such certificates or declarations of sale for unpaid taxes, shall be as good and valid as if such variance had not occurred; *provided, however,* ^{Proviso.} that notice shall have been actually given for the specified number of days required by any law, general or special, prior to such proceedings for public sale.

2. *And be it enacted,* That all acts or parts of acts, ^{Repealer.} general or special, inconsistent with or repugnant to this act, are hereby modified or repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1881.

CHAPTER XXXIII.

An act to provide for the compromise of past-due taxes in towns and townships in this state.

1. BE IT ENATED *by the Senate and General Assembly of* ^{Township committee or board} *the State of New Jersey,* That in all incorporated towns, townships and boroughs in the state of New Jersey, it shall be ^{may compromise past-due taxes.} lawful for the township committee thereof, or the board entrusted with the management of the financial affairs therein, or of the collection of taxes, to compromise arrears of taxes now due and payable, whether the land upon which said tax or taxes may have been assessed, shall be sold or not, with the owner or owners thereof; *provided,* that this act shall not ^{Proviso.} apply to cases where the land has been purchased and the tax title held by persons other than the town.

2. *And be it enacted,* That in case the said township committee or board of finance shall not be able to agree upon a ^{Failure to agree upon a basis of compromise, arbitrators to be appointed.} basis of compromise, then it shall be lawful for the township committee or board of finance to submit the said question of compromise of the said tax or taxes to arbitration, the said township committee or board of finance nominating one arbitrator, and the owner or owners nominating a second arbitra-

tor; and in case of the disagreement between the two arbitrators, the two arbitrators aforesaid shall choose a third arbitrator, and the said board of arbitrators so constituted shall have the power to fix and determine the amount to be paid to the said town or township in compromise of said arrears of taxes.

When act not
to be opera-
tive.

3. *And be it enacted*, That this act shall not be operative unless the owner or owners of property apply for a reduction of their tax or taxes within six months from the passage of this act.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1881.

CHAPTER XXXV.

Supplement to an act entitled "An act to regulate the practice of courts of law."

Judges of
court of com-
mon pleas
may practice
law in any of
the courts.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any judge of the court of common pleas, in any of the counties of this state, who is also an attorney or counselor-at-law of this state may, and he is hereby authorized to practice as such attorney or counselor, in any of the courts of this state, except the courts whereof he is a judge, or courts of inferior jurisdiction thereto, any general or special law, hitherto enacted, to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

CHAPTER XXXVI.

A Supplement to an act entitled "An act to authorize and regulate the business of banking."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That so much and such parts of the act of incorporation of any bank or banking company existing under the laws of this state as requires the president or cashier of such bank or banking company to be an inhabitant of the city or town where such bank or banking company is located or has its place of business, be and the same are hereby repealed; *provided*, that such president or cashier shall be an inhabitant of this state. Proviso. Provision of act requiring president or cashier to be residents of the city, &c., repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

CHAPTER XXXVII.

An Act to amend an act entitled "An act to empower bridge companies to mortgage their corporate rights and franchises to secure bonds or other indebtedness, to validate mortgages of corporate rights and franchises already executed, and declaring such mortgages to be a lien upon the corporate rights and franchises not included therein."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the above mentioned act, which reads as follows:

Section to be amended re-cited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every bridge company incorporated by the laws of this state, and doing business, operating works or owning property in this state, or partly in this state and partly in another state, and whose charter, or the supplements thereto do not confer an express power to mortgage or convey in trust their corporate rights and franchises to secure their bonds, either issued or to be issued, be and is hereby authorized and empowered to execute a mortgage or mortgages, of and upon their corporate rights and franchises, to secure the payment of any and all bond or bonds, or other indebtedness, issued or incurred, or to be issued and incurred by such corporation," be and the same is hereby amended so as to read as follows:

Section as amended.

Bridge companies authorized to mortgage their corporate rights and issue bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every bridge company incorporated by the laws of this state, and doing business, operating works or owning property in this state, or partly in this state and partly in another state, and whose charter, or the supplements thereto, do not confer an express power to mortgage or convey in trust their corporate rights and franchises to secure their bonds, either issued or to be issued, be and is hereby authorized and empowered to execute a mortgage or mortgages of and upon their corporate property, rights and franchises, to secure the payment of any and all bond or bonds, or other indebtedness, issued or incurred, or to be issued and incurred by such corporation, notwithstanding the amount of such indebtedness may exceed the amount to which said corporation may be authorized by its charter to hold real and personal property; *provided*, such excess shall not be more than fifty thousand dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

CHAPTER XXXVIII.

An Act to repeal "An act concerning the assessment and collection of taxes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act concerning the assessment and collection of taxes," approved March tenth, one thousand eight hundred and eighty, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

CHAPTER XXXIX.

An Act to defray the incidental expenses of the special joint committee appointed by virtue of assembly joint resolution, number eight, of one thousand eight hundred and eighty, to examine and consider the reports of the special tax commission, and the commission to draft a system of general laws for the government of municipalities of this state, and the bills accompanying the same, and report thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the persons hereinafter named, the following amounts, viz. : Treasurer authorized to pay expenses of special tax commission.

Item No. 1. To William J. Bruce, for services

and expenses as clerk to said joint committee, five hundred dollars. \$500 00

Item No. 2. To the chairman of said joint committee, to defray the expenses of the members of said committee, the sum of one thousand five hundred dollars, 1,500 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1881.

CHAPTER XLI.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Debts and mortgages due boards of freeholders loaned from the surplus revenue to be deducted from the taxable property of debtor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all debts due to the boards of chosen freeholders of the respective counties of this state, for moneys heretofore loaned or hereafter to be loaned by them from the surplus revenue of the general government, heretofore apportioned among said counties, and secured by mortgages to the said respective boards of chosen freeholders, shall be deducted from the taxable property of the debtor claiming such deduction.

Approved February 28, 1881.

CHAPTER XLII.

An Act to ascertain the number of justices of the peace to be elected according to the late census.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to ascertain the number of justices of the peace which each township or ward may elect at the annual meeting next ensuing the passage of this act, the abstract of the late census taken under the authority of the United States, as published in the "Manual of the one hundred and fifth session of the legislature of New Jersey," shall be conclusive evidence of the number of inhabitants in each township or ward.

Abstract of United States census published in the "Manual," to be evidence of number of inhabitants.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1881.

CHAPTER XLIII.

An Act relating to officers in cities who now hold or hereafter shall hold their offices for a fixed period.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any officer of any city in this state who now holds or hereafter shall hold any office therein, under any law of this state, which fixes the term thereof for a precise and a determined period, shall continue to hold such office and to exercise the duties of the same, notwithstanding the time limited for its continuance shall have expired, until his successor has been appointed and qualified.

Officers of cities to hold office until their successors are elected and qualified.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved February 28, 1881.

CHAPTER XLIV.

An act authorizing the United States to change and improve the channel of South river and canal.

United States authorized to change and improve channel of river and canal.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey consents and authorizes the United States to change the channel and improve the navigation of South river and canal, in the county of Middlesex, according to the plans and report of Brevet Major General John Newton, transmitted by the secretary of war to the forty-sixth congress of the United States.

Governor authorized to appoint a commission.

2. *And be it enacted*, That the governor of this state be and hereby is authorized and empowered to appoint a commission consisting of five members, residents of Middlesex county.

Commission to mark out, appraise and condemn lands necessary, &c.

3. *And be it enacted*, That in case it may become necessary to cross or cut through any land or lands which the owner or owners do not donate, then the said commission may mark out the property required by the plans above mentioned, appraise and condemn the same for the use of the United States government and the improvement of navigation; the valuation of any land or lands so appraised by said commission, to be paid to the owner or owners of said property.

Valuation of lands appraised to be paid owner or owners.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1881.

CHAPTER XLV.

A Supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in cases requiring a list of the jury to be served on the defendant, the names of the jurors so served shall be placed in and drawn from the jury box in the ordinary way. Names of jurors, how drawn.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1881.

CHAPTER XLVI.

An act to amend "An act to prevent trespasses on railroad cars or trains," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory, shall be and is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person, not being a passenger or employee, shall be found trespassing upon any railroad car or train of any railroad in this state, by jumping on or off any car or train, on its arrival, stay or departure at or from any station or depot of such railroad, or on the passage Section amended.
Penalty for any person trespassing on railroad cars, train, &c.

of any such car or train over any part of any such railroad, such person so offending shall be deemed a disorderly person, and on conviction as such, shall be punished by a fine not exceeding twenty-five dollars, or by an imprisonment in the county jail not exceeding thirty days, or both.

Approved March 2, 1881.

CHAPTER XLVII.

Supplement to an act entitled "An act for the organization of the National Guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Governor authorized to organize a rifle team.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander-in-chief be, and he is hereby authorized and directed, whenever he may deem proper, to organize a team of men from the national guard to compete for excellence in rifle practice, either in or outside of the state.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER XLVIII.

An act to provide for the publication of the laws, joint resolutions and proclamations of this state in the New Jersey Law Journal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all the general and special public acts and joint resolutions of the legislature of this state, passed at each session thereof, and also the proclamations of the governor shall be published in the New Jersey Law Journal as well as in the newspapers which are now authorized to publish laws, &c.

2. *And be it enacted*, That it shall be the duty of the Secretary of state to furnish copies of laws &c., required to be published. retary of state to furnish to the said New Jersey Law Journal copies of all the laws, joint resolutions and proclamations herein required to be published as soon as practicable after they are filed in his office, and that the compensation for publishing the laws, joint resolutions and proclamations published in pursuance of this act shall be at the same rate and paid in the same manner as is provided in an act entitled "An act relative to the publication of the laws of this state in the newspapers" [Revision], approved April twenty-fourth, one thousand eight hundred and seventy-six; *provided*, that no compensation shall be paid for publishing any act unless such act is published within sixty days after a copy thereof shall have been received from the secretary of state.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 2, 1881.

CHAPTER XLIX.

A Supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so that the same shall read and be:

Section as amended.

Penalty for practicing medicine or surgery without conforming to requirements of act.

2. *And be it enacted*, That any person who shall practice medicine or surgery without conforming to the requirements of the first section of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of twenty-five dollars or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court, for each prescription made, operation performed, or professional service rendered; *provided*, that any person who shall have had twenty years' experience in the practice of medicine or surgery in one locality shall be exempt from the provisions of this act.

Proviso.

Approved March 2, 1881.

CHAPTER L.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act to which this is a supplement be amended so that the same shall read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons not less than ten in number, associated for benevolent and charitable purposes, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes, to elect by ballot or otherwise, according to the constitution or by-laws of such association, to appoint one or as many officers of such association as shall be deemed necessary, which said association and such other persons as may be associated with them, are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal and alter and renew the same at pleasure, and by their name as aforesaid and under their common seal may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation.

2. *And be it enacted*, That the ninth section of the act to which this is a supplement be amended so that the same shall read as follows :

9. *And be it enacted*, That no restrictions as to the number of members, nor as to the amount of annual income, shall ap-

Restrictions
not to apply to
certain organi-
zations or asso-
ciations.

ply to any benevolent or fraternal organization or association, duly organized or existing, or which may hereafter be duly organized in this state, nor to any corporations formed for the purpose of establishing a college or home as above provided.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LI.

An act to amend "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Laws, &c., to
be published in
newspapers in
townships con-
taining over
six thousand
inhabitants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties where there are townships containing six thousand inhabitants or more, the public laws, together with such special, private and local laws as concern such counties respectively shall be published in one newspaper in every such township containing six thousand inhabitants or more; to be designated in the manner and under the regulations and restrictions now prescribed, and at the compensation fixed by statute for such publications.

Laws of the
present session
to be pub-
lished.

2. *And be it enacted*, That the newspapers directed to be designated by this act shall be in addition to the number heretofore authorized to publish the laws; that they shall be entitled to publish the laws enacted at the present session of the legislature, and that this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LII.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions in force relative to the sales of lands and the advertisement and adjournment of the same, have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective and uncertain ;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are situate, but that any purchaser of lands at such sale who shall have paid the price thereof and received a deed therefor, shall have as good and complete a title thereto as if the advertisement of such sale had in all particulars conformed to the provisions of the act to which this is a supplement ; *provided*, that the advertisement of such sale shall have been duly published in one newspaper printed and published at the county seat of said county ; *and provided further*, that nothing in this act shall be held to affect any litigation now pending.

2. *And be it enacted*, That no sale of lands heretofore made by any executors or administrators shall be invalidated by reason of such sale having been adjourned for a time or times exceeding two months in the whole, or by reason of the omission to advertise adjournments, but that the purchaser or purchasers of any lands at such sale who shall have paid the price thereof and received a deed therefor—such sale having been duly reported to and confirmed by the proper court—shall have as good and complete a title thereto as if said sale had been

Preamble.

Sales of land heretofore made not invalidated by omission to advertise, &c.

Proviso.

Proviso.

Sales of land heretofore made by executors, &c., not invalidated, and title declared valid.

adjourned from time to time, not exceeding two months in the whole, and the adjournments thereof duly published.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LIII.

A Further Supplement to the act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Baptist societies may become incorporated by certificate.

What certificate shall set forth.

I. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any society now existing in this state, composed of delegates from Baptist churches in this state, and organized for the purpose of assisting indigent young men in prosecuting their studies, preparatory to entering upon the work of gospel ministry, shall desire to become an incorporation under the laws of this state, and shall, by a majority vote of the delegates assembled at any regular meeting of such society, resolve to become thus incorporated, such society shall thereupon proceed to adopt a corporate name, shall elect a president, one or more vice presidents, a secretary and a treasurer, and a board of managers of not less than ten nor more than thirty-five persons, and a certificate of such vote shall be prepared containing in addition thereto the following particulars:

I. The name of such corporation.

II. The name and residence of each member of the board of managers of said corporation.

III. The name and residence of each officer of the corporation.

IV. The general purpose of said corporation.

Which certificate shall be signed by the aforesaid officers and managers, and the execution thereof shall be acknowledged before some person or persons authorized by the laws of the state of New Jersey to take the acknowledgments of deeds, and after being so acknowledged shall be filed and recorded in the office of the secretary of state, for which such secretary shall be entitled to charge the sum of one dollar.

Certificate to be filed and recorded.

2. *And be it enacted*, That upon the filing of such certificate, the said society shall be and is hereby constituted a body corporate, with powers to sue and be sued, to adopt and use a common seal, to make by-laws for its government and regulation, and shall have all the rights and powers and be subject to all the liabilities of the corporations created by the act to which this is a supplement, so far as the same do not contravene the provisions of this act.

Constituted a body corporate with powers.

3. *And be it enacted*, That the executive and routine business of said corporation shall be managed by a board of managers consisting of not less than ten nor more than thirty-five persons, of which the president, vice president or vice presidents, secretary and treasurer shall be ex-officio members, the persons signing the above-mentioned certificate shall be the officers and managers for the first year, and shall hold office until their successors are chosen; at each annual meeting thereafter of said society there shall be chosen, in such manner as the society may determine, a president, one or more vice presidents, a secretary and treasurer, and members of the board of managers, who shall hold their office for one year and until their successors are elected; any vacancy in the board of managers occasioned by death, resignation, or removal from the state, may be filled by a majority of the remaining members of the board.

Corporation to be managed by a board of managers.

Annual election of officers, &c.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 2, 1881.

CHAPTER LIV.

Supplement to "An act to legalize certain newspapers, the issues of which have been temporarily suspended," approved March third, one thousand eight hundred and eighty.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act to legalize certain newspapers, the issues of which have been temporarily suspended," be amended so as to read as follows :

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such temporary suspension shall not be regarded as an invalidation of the legal age of said newspapers, but that upon their resumption of publication within twelve weeks of their suspension as aforesaid, such papers shall be considered as to age as dating from their first publication, and they shall be as fully entitled to the state and other legal printing the same as though such suspension had never occurred.

Temporary suspension not invalidating the legal age of newspapers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LV.

An act to authorize the erection of engine-houses in cities of this state.

Mayor and common council authorized to erect engine-houses, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of any city in this state are hereby authorized and empowered

to erect one or more buildings suitable for the use of the fire department of said city, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of such land and of the erection of said building or buildings in such city shall not exceed fifteen thousand dollars. Proviso.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, each mayor and common council shall have power to issue bonds of such city, to an amount not exceeding fifteen thousand dollars, having not more than twenty years to run, and bearing interest at a rate not exceeding six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation. Empowered to issue bonds and to provide for their redemption.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LVI.

A Supplement to "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no fees to which any judge of the court of common please, court of general quarter sessions of the peace or orphans' court in any county in this state shall be entitled for services performed in court shall be paid by the parties liable for the same to any such judge, but shall be paid to the clerk of the court, under such rules as the court may prescribe, and shall be paid over by him to the judge or judges entitled to the same; and if any of the judges of said court shall be in receipt of a fixed salary allowed by law in lieu of all fees, then and in that case it shall be the duty of the clerk to pay over to the collector of the county, at least once in each quarter, for the use of the county, all fees received by him during the preceding quarter, for services performed Fees of judges, to whom paid.

Clerk to pay over all fees to collector of county.

by any such salaried judge or judges; for collecting the same the said clerk shall be entitled to five per centum of all fees collected by him.

Clerk of county
to make quar-
terly reports of
fees received.

2. *And be it enacted*, That it shall be the duty of the clerk of each county to report on the first day of July next and quarterly thereafter, under oath, to the collector of the county, whether or not he has received during the preceding quarter any fees for licenses of any kind, granted by the court of court of which he is clerk, and, if so, from whom, the amount in each case, and the disposition made of the same; and when not otherwise provided by law it shall be the duty of such clerk to pay over to the collector of the county, at the time of making such quarterly report, the amount of such license fees so received by him during the preceding quarter; and the said collector shall forthwith report to the board of chosen freeholders of the county the amount of fees so received by him from such county clerk.

Penalty to
clerk failing to
make report
and payment
of fees col-
lected.

3. *And be it enacted*, That any clerk failing to make the report and payment required by the second section of this act at the time named, shall be liable to a penalty of one hundred dollars for every such failure, which penalty shall be forthwith sued for by the collector of the county in any court of competent jurisdiction, in an action of debt, for the use of the county.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LVII.

An act further to amend "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and fifty-ninth section of the act of which this is amendatory, and which as amended by chapter thirty-eight of the laws of one thousand eight hundred and seventy-nine, be and the same is hereby amended to read and be in the words following, to wit :

159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans' court of any county, may be taken and reduced to writing before the surrogate of such county, or a master in chancery, which examinations shall be taken on ten days' notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney, and either of the parties may, in person or by his attorney, be present and examine and cross-examine the witnesses testifying at such examinations; and the examination so taken shall be of the like force and effect as if taken in the orphans' court, before the judges thereof, and shall be filed with the clerk of the said court, and read in evidence upon the hearing of the cause, saving all just exceptions; but in any particular cause it shall be lawful for the president judge of said court to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined in the particular cause, for the use of the court and the parties in the cause, and to fix, allow and tax the fees and compensation of such reporter for taking down and writing out such evidence, and to apportion the same between the parties in the same manner as the fees of examiners are apportioned; and each party shall forthwith pay the part so apportioned to him, which shall be a part of the taxable costs in the cause.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LVIII.

Supplement to an act entitled "An act concerning savings banks" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six.

Trustees or
managers of
savings banks
authorized to
pay president
compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trustees, directors or managers of any savings bank or savings institution in this state, whether such savings bank or savings institution shall have been organized under a special act, or under the act to which this is a supplement, to pay to the president of any such savings bank or savings institution, who shall devote his time and labor to the management and care thereof, such reasonable compensation for his services as president, as shall be fixed by the said trustees, managers or directors.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LIX.

An act relative to fees paid for copies of records used as evidence.

Fees and
charges for
official copies
to be allowed
and taxed as
taxable costs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees and charges paid for official copies and abstracts from the records and files in any public office in this state, used as evidence in actions brought

or to be brought in any of the courts of this state, shall be allowed and taxed as part of the taxable costs therein; *pro-* Proviso.
vided, the amount of such fees and charges be endorsed on such copies by the officer making the same.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LX.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act relating to municipal or other authorities owning or managing works for the supplying of water to the public,'" which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the supplement above mentioned, be amended so as to read as follows: Section to be amended.

3. *And be it enacted*, That for the purpose of raising such gross sum which shall be designated as a "district, fire and water tax," the assessors and boards of assessors shall fix and review the valuations of all lands within said district in the same manner as they now fix the valuations for tax purposes of all land in said city; and all proceedings now required or authorized to be taken for the assessment, collection and enforcement of the collection of taxes shall be equally applicable to the assessment, collection and enforcement of the collection of the district, fire and water tax. Assessors and boards to fix and review the valuation of land, &c. Proceedings made applicable for assessment and collection of taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LXI.

An Act respecting the time of payment of the annual salaries of the law or president judges of courts of common pleas.

Annual salaries of president judges to be paid in monthly installments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for convenience and uniformity, in all counties in this state in which the law or president judges of the courts of common pleas are now compensated by annual salary, said salaries shall be paid in monthly installments.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved March 2, 1881.

CHAPTER LXII.

An Act in relation to claims against the inhabitants of townships.

Inhabitants may, at town meeting, vote to raise by taxation sum to pay claim, or order claim paid out of moneys in hands of collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which any claim shall be made by any person or persons against the inhabitants of any township, in their corporate capacity, for money heretofore borrowed by the township committee of such township for township uses, and said inhabitants, in their corporate capacity, may have a legal defence to such claim; they may at any subsequent annual town meeting vote to raise, by taxation, in the manner that other taxes are raised, a sufficient sum to pay the amount of any such claim, or in the same

manner at any such meeting order the same paid out of any moneys of such township in the hands of the collector thereof not otherwise appropriated.

2. *And be it enacted*, That when such sum shall be so voted and raised, or ordered paid, it shall be used to pay the claim for which it was raised and for no other purpose.

When voted and raised or ordered paid, not to be used for any other purpose.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXIII.

An Act providing for the sale of certain lands in cities, subject to dedication for public uses, and vesting title thereto in the purchaser.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where land has been dedicated to public uses in any city in this state, other than for streets or parks, and is now in the possession of and being used by the city authorities of such city, that the city board having control of and using such property as aforesaid, may, without the action of any other board, at any time, when in its judgment the location where such property is situated, has or shall become unfit for the purposes for which the same is being used, sell said property at public auction, upon two weeks' advertisement, to the highest bidder therefor, and the mayor shall execute upon behalf of the city, under its corporate seal, attested by the city clerk, a deed conveying said property to the purchaser, upon the purchase money being first paid to the city treasurer; the purchase money shall be held by the city treasurer and his successors in office to be used exclusively for the purchase of other real estate, and the erection thereon of buildings and furnishing the same for the same public uses as the property sold; the expenditure of money therefor to be by said city board making said sale.

City board may sell certain lands dedicated to public use at public auction.

Mayor to execute conveyance, &c.

Board may
make contract
with owner of
fee of land.

Title of land to
vest in pur-
chaser.

2. *And be it enacted*, That the said city board may, in any case provided for in section one, when they deem it necessary, make a contract, upon such terms as said board shall deem just, with the owner or owners of the fee of the land desired to be sold, by which said owner or owners will execute a conveyance of said land to the city, or to the purchaser of said land, as may be deemed best, and carry out the terms thereof; and upon such sale and such action of the owner or owners, the title of the land in fee simple so sold, shall vest in the purchaser his heirs and assigns forever, free from any and all dedications for public uses of every kind whatever.

3. *And be it enacted*, That this act is a general public act and shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXIV.

An act to provide for the payment of the difference between old and new assessments for improvements in cities.

Cities author-
ized to borrow
money to pay
difference be-
tween any as-
sessment and
re-assessment
for improve-
ments.

May issue reg-
istered or cou-
pon bonds.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, from time to time, to borrow money for the use of said city, in such sums as it may think best, to pay the difference between any assessment, on any real estate for any improvement in said city, and any re-assessment thereon for the same improvement when the original assessment has been vacated or set aside by a court or any city board, together with any interest or damages due or to fall due thereon; that the city, in order to procure said money, may issue bonds, payable as to principal and interest at such times and at such place and in such form as it shall deem best, and the same shall bear interest not exceeding six per centum per annum, and may be sold at not less than par; the bonds shall be signed by the mayor, sealed with the city seal and attested by the city clerk, and may be registered or coupon bonds or both, and may be

convertible from one form to the other, from time to time, and in converting coupon bonds to registered bonds, one registered bond may be issued for several coupon bonds or several coupon bonds may be issued for one registered bond, as may be determined from time to time; *provided*, the issue of bonds under this act does not exceed in any city of this state the limit now provided by law. Proviso.

2. *And be it enacted*, That the board having the control of the finance of the city, shall have full power to act for the city under section one of this act, and to do all things therein authorized to be done, except the signing, sealing and attesting of the bonds therein mentioned, and shall from time to time place or caused to be placed in the tax levy an amount sufficient to pay the interest on said bonds, and such percentage of the principal thereof as it may deem proper. Board having control of finances to have full power.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXV.

An act authorizing the cities of this state to make limited appropriations for the publication of the minutes of the proceedings of their municipal boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with a view to the furnishing of precise and accurate public information of the proceedings of the municipal boards of the cities in this state, it shall be lawful for the board of aldermen, common council, board of finance or other governing body of any city where provision is not now made for reporting or publishing the official minutes, to appropriate annually, a sum not exceeding five hundred dollars, for the reporting and publishing during such year, of the proceedings of its different boards in the several newspapers published and circulated in such city which shall be de- Cities authorized to make appropriations for publication of minutes of their municipal boards.

signed for that purpose ; said appropriation, if made, to be distributed in such manner as the governing body of said city shall determine.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXVI.

Supplement to the act entitled "An act relative to the publication of the laws of this state in the newspapers" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six, be amended to read as follows :

Laws of each session of legislature to be published in newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the public laws of this state passed at each session of the legislature shall be published in the newspapers in the several counties, which papers shall be selected and designated as hereinafter provided, and the number of papers authorized to make such publication in each county, shall be in proportion to the representation of the county in the house of assembly ; *provided*, that there shall not be more than four nor less than two papers so authorized in any one county, excepting in such counties having a population in excess of sixty thousand, where the number may be increased to six, and in the counties of Essex, Atlantic, Union, Mercer, Hudson and Passaic, in each of which counties there shall be one additional paper so authorized published in the German language.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXVII.

A Further Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, anno domini eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the trial of any indictment, allegation or accusation of any person charged with crime, the wife or husband of the person indicted or accused shall be admitted to testify as a witness in behalf of such person upon such trial, if he or she shall be offered and produced as a witness therein by the person so indicted or accused. Husband or wife of person indicted to be admitted to testify as witness.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXVIII.

An act to authorize incorporated towns to build and furnish school-houses in special cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where an incorporated town has previously, by provision of its charter, been constituted one sole and separate school district, and has subsequently been divided into several school districts, it shall be lawful for such town at any annual town meeting, or at a special town meeting called for that purpose, legal notice of the same having been given, to provide for purchasing a lot, building a school-house thereon, and furnishing the same for any such district, or to build and furnish a school-house on a Incorporated towns authorized to build and furnish school-house and to raise the money by taxation.

lot already purchased, and to raise money therefor by taxation upon its town at large, in the same manner as it might have been done if such division into districts had not been made.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXIX.

A Supplement to "An act to amend and consolidate the several acts relating to game and game fish," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, and which section reads as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall kill or pursue, in any part of this state, any buck, doe, fawn or wild deer, save only from the fifteenth day of October to the first day of December, in any year, and any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each buck or fawn so killed or pursued, and may be proceeded against in any county of the state where he may be arrested having the same in his or her possession ; *provided, however*, that any person may sell or have in his or her possession the buck, doe or fawn aforesaid between the fifteenth day of October in any year, and the first day of December next following, without liability to the penalty herein imposed," be and the same is hereby amended to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall kill, destroy, hunt or take any doe, buck, fawn or any sort of deer whatsoever, for and during the term of three years from the date of the passage of this act and after the expiration of the said term of three years and at any other time or season except only between the last day of October and the first day of December, yearly and every year, he, she or they so offending against the provisions of this act, shall forfeit and pay the sum of fifty dollars for each and every offence, to be sued for and recovered with costs of suit, in an action of debt, by any person, before any justice of the peace of the county wherein such offence shall have been committed; one-half the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township; and in case the defendant in any such suit shall neglect or refuse to pay the amount recovered against him, it shall be lawful for the justice before whom judgment has been recovered, to issue his process of execution against the body of the defendant, and cause him to be committed to the jail of the county, for any space of time until the judgment and costs are paid, not exceeding sixty days from the date of issuing the same.

Section amended.

When deer shall not be killed

Penalty for violating the provisions of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXX.

Supplement to an act entitled "An act concerning taxes"

[Revision], approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all incorporated cities in this state for every alias and pluries warrant issued

Fee for warrants of justices of peace issued for the collection of taxes.

for the collection of taxes, the fee allowed to the justice of the peace who shall issue the same shall be five mills for every delinquent's name therein contained, where the number shall exceed two hundred.

Repealer.

2. *And be it enacted*, That all acts and parts of acts general, local and special, inconsistent with this act, are hereby repealed, and that this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXXI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the better regulation of proceedings upon writs of mandamus,' passed December second, one thousand seven hundred and ninety-four," which said supplement was approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled 'An act for the better regulation of proceedings upon writs of mandamus,' passed December second, one thousand seven hundred and ninety-four," which said supplement was approved March twenty-ninth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows :

When writ of mandamus has been denied by supreme court, proceedings may be brought in court of errors on writ of error.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where an application has heretofore been made, or shall hereafter be made, for a writ of alternative or peremptory mandamus, or where a rule to show cause why such writ should not be issued has heretofore been obtained or shall hereafter be obtained, the said writ being desired for the purpose of compelling any officer or officers of this state, or of any county, township, or school district in this state, or the mayor and common council, or the mayor and board of aldermen, or any officer or officers of any city or other municipal corporation of this state, to perform a duty

or make a payment required by law, and such writ has been or shall be denied, or such rule has been or shall be discharged, by the supreme court of judicature of this state, and such denial of said writ, or such discharge of said rule is the legal consequence necessarily resulting from a determination by said court of the question of the constitutionality or unconstitutionality of any statute of this state, that being the main question brought before the court for adjudication and the principal ground of the litigation between the parties, it shall be lawful for the relator or relators, at any time within one year next after the date of entry of the rule of said court denying said writ, or discharging said rule to show cause, to sue out and prosecute a writ of error to remove the proceedings into the court of errors and appeals, which court shall thereupon review the said proceedings and the action of the supreme court thereon, and make determination in reference thereto.

2. *And be it enacted*, That the second section of the said supplementary act be and the same is hereby amended so as to read as follows: Section to be amended

2. *And be it enacted*, That the said writ of error shall be made returnable forthwith, and upon return thereof said court of errors and appeals shall require an immediate and speedy assignment of errors and joinder in error, and upon such short notice as may by the court last aforesaid be directed, shall hear and determine the cause during the term to or in which said writ of error is returnable, if possible so to do without necessitating the postponement of other business of said term to a subsequent term; and on reversal the supreme court shall take action accordingly. Writ of error to be made returnable forthwith, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXXII.

A supplement to the act entitled "An act to secure operatives in manufactories, and other employees, their wages," approved March thirteenth, one thousand eight hundred and fifty-six.

Upon petition of workmen or employees that wages due them are unpaid, chancellor or judge may refer the matter to a master, &c.

May direct receiver to make sale of personal property to pay employees or workmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any suits at law or in equity pending in any of the courts of this state, it shall become necessary or advisable for such court to appoint a receiver to take the charge and possession of the goods, chattels and personal property of any manufacturer, distiller, brewer, or producer of any manufactured articles in whatsoever stage the same may then be, and then being due and unpaid to the mechanics, workmen and laborers employed by such manufacturer, and other persons sole or corporate, producing such manufactured articles, wages for the labor and services by such mechanics and workmen bestowed upon the goods, chattels and personal property thus then taken by such receiver, it shall be the duty of the chancellor or of the judge appointing such receiver, on being petitioned by such workmen and employees for the payment of such unpaid wages due to them, setting forth the nature and kind of services performed, and of the amount due to such petitioners, to make an order directing a reference to a master in chancery to ascertain and report upon the correctness of the allegations in such petition contained, and of the amount of wages then due and unpaid to such petitioner and petitioners, and thereupon further direct such receiver forthwith to make sale of so much of such personal property as may be necessary to pay such wages to such employees and workmen in preference to any other creditor, and without delay.

2. *And be it enacted*, That the provision of this act shall extend to all cases, if any, at the passage of this act, pending in any court of this state, when distribution of the assets thus taken and held by any such receiver has not been made. Provisions of act to extend to all cases pending.

3. *And be it enacted*, That this act take effect immediately.
Approved March 3, 1881.

CHAPTER LXXIII.

A Supplement to an act entitled "An act relating to sales of land, under a public statute, or by virtue of any judicial proceeding, approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any purchaser of real estate at any commissioner's, executor's, administrator's or guardian's sale shall, after such sale has been made, and the conditions thereof subscribed and agreed to, and the same has been confirmed by the court, or after such sale has been confirmed, and before the deed for such sale of real estate has been delivered to the purchaser, refuse or neglect to comply with any of the conditions of such sale, including the receiving of the deed, and the payment of all the consideration money, it shall be lawful for any such commissioners, executors, administrators or guardians, to apply to the court making the order of sale, or making the order of confirmation of sale, as the case may be, by petition, and the said court is hereby authorized to set aside such confirmation of sale or sales, and further order such commissioners, executors, administrators or guardians, as the case may be, to make resale of the said real estate; *provided*, When purchasers refusing to comply with conditions of sale, court authorized to set aside confirmation and order a resale. *nevertheless*, that such order or orders of resale shall not in any way relieve the first purchaser from liability to make good and pay any deficiency or reduction of price, and interest, cost and expenses incurred in or resulting from making a resale of such real estate under this act. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXXIV.

An act regulating the purchase of supplies for the New Jersey state prison.

Supplies for
state prison to
be purchased
by contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all supplies of subsistence, clothing, laundry, bedding, fuel and illuminating material required for use in the state prison shall be purchased by contract as hereinafter regulated and provided.

Supervisor to
establish stand-
ard of qualities
of articles
needed, &c.

2. *And be it enacted*, That it shall be the duty of the supervisor under the direction of the board of inspectors to establish standards of qualities of the different articles needed for the subsistence, clothing and proper care of the prisoners, and that a full description of the same, together with samples, so far as practicable, of the grades required, shall be kept by the supervisor and be accessible at all times during business hours to examination by citizens.

Supervisor to
semi-annually
advertise for
proposals for
furnishing sup-
plies.

3. *And be it enacted*, That the supervisor shall semi-annually advertise in two daily newspapers published in the county wherein the prison is located, for ten days, inviting proposals for furnishing all articles of supplies embraced under the different headings in section one of this act, and which articles shall conform to the standard adopted by the board aforesaid, and to be seen at the office of the supervisor; said proposal to be for furnishing the estimated requirements of each article for the term of six months, the delivery of said articles to be made from time to time on the order of the supervisor during the existence of the contract; said advertisement shall state as nearly as practicable the weight, measure, quantity or number needed of each article named, which estimate shall be based on the actual consumption of the corresponding term of six months next preceding.

4. *And be it enacted*, That separate proposals and separate contracts shall be made for the following divisions: Separate proposals and contracts shall be made.

First. For sugar, molasses, syrup, coffee, tea, rice, hominy, beans, salt fish and soap; For sugar, &c.

Second. Potatoes, turnips, carrots, or other vegetables not enumerated in other divisions; For vegetables.

Third. Fresh and salted meats; For meats.

Fourth. Fresh fish; For fish.

Fifth. Flour and meal; For flour.

Sixth. Illuminating material; For illuminating material.

Seventh. Coal and wood; For coal and wood.

Eighth. Clothing and other supplies, not here enumerated shall be included under their appropriate heads. For clothing, &c.

5. *And be it enacted*, That the several bids made under the provisions of this act shall be opened at twelve o'clock, noon, on the day next succeeding the day on which the ten days' notice shall expire, in the presence of the supervisor, inspectors and parties in interest, and the contracts shall be awarded to the lowest average responsible bidder for the articles named in each division, which average price shall be determined by computing the total cost of the articles named in each division, on the basis of the price named for each article, and the quantity of each named in the advertisement. Bids, when to be opened, and contracts awarded to lowest bidder, &c.

6. *And be it enacted*, That the board of inspectors and supervisor shall in each case determine the amount of bonds which contractors shall be required to give for the faithful performance of their contracts. Board of inspectors and supervisor to determine amount of bond of contractor

7. *And be it enacted*, That contracts made under this act shall date and have effect ten days from the date of the award, and that all acts and parts of acts, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Contracts, when to take effect.

Approved March 3, 1881.

CHAPTER LXXV.

Supplement to an act to encourage the production and treatment of fibres in this state, approved March third, one thousand eight hundred and eighty.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is amendatory, be amended to supply an omission and elucidate the language of the section, so that the same shall read and be enacted as follows :

Treasurer authorized to pay bounties for the cultivation of fibrous plants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with the view to stimulate individual effort in the cultivation of fibrous plants, that the treasurer of this state be hereby authorized to pay the following bounties, upon vouchers duly receipted by the payee, setting forth the quantity and prices of the products grown, converted or manufactured by him or them, whose affidavit of their truthfulness shall be first affixed to the said vouchers, and be attested by the clerk of the county in which the products are grown, converted or manufactured ; *and, moreover*, the said vouchers shall be certified by the chief of the bureau of labor and industries of this state ;

I.—JUTE.

Bounty for raising jute.

For every two thousand pounds of abutilon avicennæ stalks grown in New Jersey, not less than three feet long, five dollars ; for every ton of two thousand pounds of what is known as rose, or marsh mallow, not less than three feet long, and not more than one inch in diameter at the butt, five dollars ; fractions of not less than a quarter ton in each case will be paid for at same rate ; for every pound of marketable quality of disintegrated jute, two and a half cents ;

II.—RAMIE.

For every ton of two thousand pounds of ramie stalks, not less than two and a half feet long, ten dollars; fractions of not less than a quarter ton will be paid for at the same rate; for every pound of disintegrated ramie ready for combing, five cents; for every pound of ramie yarn ready to weave, ten cents; Bounty for raising ramie.

III.—FLAX.

For every ton of two thousand pounds of flax stalks, fibre of the ordinary lengths for spinning purposes, thus excluding all qualities of tow, seven dollars; fractions of not less than a quarter ton will be paid for at the same rate; for every pound of decorticated or cleaned flax of ordinary American quality, other than tow, three and a half cents; Bounty for raising flax.

IV.—HEMP.

For every ton of hemp stalks of two thousand pounds, of the ordinary lengths, six dollars; fractions of not less than a quarter ton will be paid for at same rate; for every pound of decorticated or cleaned hemp, of ordinary American quality, three cents; *provided*, that the bounties hereby authorized shall cease on the first day of April, one thousand eight hundred and eighty-five; *and provided, further*, that in no event shall the total amount expended in the form of bounties, under this act, exceed the sum of fifteen thousand dollars, to be appropriated as follows: five thousand dollars to be awarded to the enumerated stalks; five thousand dollars to the enumerated cleaned fibre, and five thousand dollars to the ramie yarn. Bounty for raising hemp. Proviso. Proviso.

Approved March 3, 1881.

CHAPTER LXXVI.

An act requiring the refunding of moneys overpaid in certain cases.

Treasurer of cities authorized to refund moneys overpaid on assessments for sewers or street improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any overpayment has been made by any person in any city of this state, of interest on any assessment for sewers or other street improvements, through inadvertence or misconception of the period from which the interest lawfully accrued, it shall be the duty of the treasurer of any such city to refund, on demand, the amount of such overpayment, with lawful interest thereon; said amount and interest to be ascertained and fixed by the competent authority in any such city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXXVII.

A Further Supplement to an act entitled "An act respecting executions," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Process to be served upon assessor or collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any execution shall be issued against any school district of this state, or against the trustees of any such school district as a body corporate representing such school district, by any court authorized to issue the same, whether upon a judgment recovered before or sub-

sequent to the passing of this act, and there shall be no property belonging to said school district or body corporate sufficient to satisfy the same liable to be levied on, then the officer authorized to execute such process shall serve a copy of the same upon the assessor or assessors of the township or townships in which said school district is situate, and also upon the collector or collectors of such township or townships; and upon receipt of such copy or copies it shall be the duty of such assessor or assessors at the time of the next regular assessment of school taxes in such school district, to assess and levy in addition to said regular school taxes, the amount due upon said execution with interest to the time when the same shall be paid to the officer serving such process, upon the inhabitants of said school district, and their estates and upon the taxable property therein; and this tax shall be assessed and collected at the same time and in the same manner and under the same conditions, restrictions and regulations upon the assessor or assessors, collector or collectors as other taxes for school purposes are required to be assessed and collected in such school district; and the amount of this tax when collected shall be a separate fund, and shall be paid over by the collector of the township in which such school district shall be situate, or if such school district be situate in two or more townships then by the collector of that township in which the fraction of the school district containing the school-house is situate, to the officer serving the process.

Assessor to assess and levy amount due upon execution upon inhabitants, &c., of school district.

Tax, how assessed and collected, and to whom paid.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 7, 1881.

CHAPTER LXXVIII.

An Act to protect and propagate grouse or prairie fowl.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where any person or game club shall, at their own expense, procure any grouse or prairie fowl, and turn out the same upon his or their lands or game preserve, and the same or their offspring shall stray or go

Unlawful for to shoot, trap or catch grouse or prairie fowl, other than owner of land or member of club.

upon the lands of others, it shall not be lawful for any person other than the owner of said lands or member of said game club to shoot any grouse or prairie fowl, and no person shall trap or catch the same.

Penalty for shooting or catching grouse or prairie fowl.

2. *And be it enacted*, That any person other than those authorized by section one, shooting grouse or prairie fowl, or found catching with trap or any other device, any grouse or prairie fowl shall, upon proof and conviction thereof, before any justice of the peace of the county wherein the offence was committed, or any other court of competent jurisdiction, pay to the treasurer, for the use of said game club, or to the person turning out the same, as the case may be, for every such grouse or prairie fowl, the sum of ten dollars, with costs of suit, or an imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

When unlawful to kill grouse, &c.

3. *And be it enacted*, That it shall not be lawful for any person to kill, by gun or in any other manner, any grouse or prairie fowl, between the first day of December and the fifteenth day of October, yearly and every year; every person so offending shall be subject to the penalties named in section two of this act.

Members of association authorized to prosecute offender.

4. *And be it enacted*, That every member of any association or organized game club in this state, turning out any grouse or prairie fowl, upon their lands or game preserve, shall be and are hereby empowered to prosecute, either in his own individual name or the name of the game club of which he is a member, for the penalties above prescribed for the violations of the provisions of this act.

Act to continue in force.

5. *And be it enacted*, That this act shall continue in force for a period of five years.

6. *And be it enacted*, That this shall be deemed a public act and take effect immediately.

Approved March 7, 1881.

CHAPTER LXXIX.

A Supplement to an act entitled "An act to provide for licensing boats, hacks, and other vehicles by incorporated camp meeting associations or seaside resorts, and for the better government of the same," approved March nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended so as to read and be in the words following, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, commissioners, or other corporate authorities of any incorporated camp meeting association or seaside resort shall have power, within the premises of said corporation, to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for licensing and regulating cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, or owners and drivers of market wagons, garbage wagons, baggage wagons, milk wagons and carriages and vehicles used for the transportation of passengers and merchandise, and boats upon the lakes and premises of said corporations used for the transportation of passengers and also hucksters and peddlers of merchandise and provisions, or persons soliciting orders for the sale thereof, (but this act shall not be construed to require a license from any person or persons selling or exposing for sale produce of their own growing) and to fix the rates of compensation to be paid to them, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities and to impose a license fee or license fees therefor and the fees for such license may be imposed for revenue: and that in such case, and in all cases where the said boards have authority to pass ordinances, rules, regulations and by-laws on any subject, they may prescribe a penalty or

penalties for the violation thereof, either by imprisonment in the county jail, not exceeding ten days, or by fine not exceeding twenty dollars, and any justice of the peace, police justice, or officer specially commissioned, possessing the powers or police justices appointed or to be appointed for any such corporation, shall have jurisdiction of such cases, and may give judgment and issue execution for collection of such fine or fines to be levied on any personal property owned by such person or persons, fined as aforesaid, directed to any marshal or peace officer appointed or to be appointed for such corporation, or to any constable of the county in which said corporation is situate, which execution shall be levied, executed and returned in the same manner as executions in other cases or, in case of sentence to imprisonment in the county jail, may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 8, 1881.

CHAPTER LXXX.

A Further Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, The laws of this state fail to provide for the legal settlement of children, born of alien parents after their arrival within this state, who have grown to maturity and become entitled to the rights of citizenship, and who may become objects of public charity; therefore,

Legal settlement of children born of alien parents, how obtained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons shall gain a settlement in the same manner, and under the same restrictions,

as are now or may hereafter be provided, for the settlement and relief of poor persons born of native citizens of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1881.

CHAPTER LXXXI.

A Supplement to the act entitled "An act to provide for the establishment of an agricultural experiment station," approved March tenth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the board of directors mentioned and created by said act, shall be called and known as the board of managers. Board of directors to be known as board of managers.

2. *And be it enacted*, That in addition to the powers now conferred upon said board, they shall have power to elect a treasurer, who shall hold his office for one year and until his successor shall be elected and qualified; and to appoint such other officers and agents as may be necessary to carry on the business of the institution; and to make such rules, by-laws and regulations for the government of the board, and for carrying out the objects, business and purposes of the institution as may, in their judgment, be necessary and proper. Empowered to elect a treasurer and other officers, &c. May make by-laws, &c.

3. *And be it enacted*, That the annual appropriation for the support of the New Jersey Agricultural Experiment Station be and the same is hereby increased from its present sum of five thousand dollars a year to eight thousand dollars a year. Annual appropriation increased.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

CHAPTER LXXXII.

An Act respecting the clerk in chancery.

Clerk in chancery to enter into bond.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That every person who shall be appointed clerk in chancery shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law to be taken for the due and faithful discharge of the duties of his said office, before the chancellor for the time being, enter into bonds with the state of New Jersey, with at least two good and sufficient securities, being freeholders in said state, jointly and severally, in the sum of fifty thousand dollars, to be approved by the said chancellor, which bond, with the condition thereof shall be in the form hereinafter mentioned; and when so executed, shall, together with the oath or affirmation of office, when subscribed, be recorded in the secretary of state's office, and filed in the same, to be by him kept among the public papers of his office.

Oath and bond to be filed and recorded in office of secretary of state.

Form of bond.

2. And be it enacted, That the bond to be entered into as aforesaid by the said clerk in chancery and his sureties, with the condition thereof, shall be in the form following, that is to say :

Know all men by these presents, that we, A. B., C. D. and E. F., of _____, are held and firmly bound unto the state of New Jersey, in the sum of fifty thousand dollars, money of the United States, to be paid unto the said state of New Jersey, to the which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Condition of bond.

The condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of clerk in chancery of the state of New Jersey, and in all things

touching or concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons concerned as to the said state of New Jersey, and at the expiration of his said office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then this obligation to be void, otherwise to be and remain in full force and virtue.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

CHAPTER LXXXIII.

Supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where assignment has heretofore been made for the benefit of creditors, under the act to which this is a supplement, and the assignee for any reason has not sold the real estate assigned, and made his final report within one year as provided by law, it shall be lawful for such assignee to hereafter proceed to advertise and sell such real estate in the manner prescribed by law, and make his final report and settle said estate as he might have done if said time of one year had not expired; *provided*, he shall make such sale and file said account within one year from the approval of this act. Assignee may advertise and sell real estate and make report and settle estate.

2. *And be it enacted*, That this act shall take effect immediately. Proviso.;

Approved March 9, 1881.

CHAPTER LXXXIV.

An Act to defray the expenses of repairs to the buildings of the Farnum Preparatory School at Beverly.

Trustees authorized to make improvements and repairs to buildings, &c

Proviso

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Farnum Preparatory School at Beverly be authorized to make such improvements and repairs to the buildings of the said school as in their judgment may be necessary; *provided*, the expense thereof shall not exceed one thousand dollars, and the comptroller of the treasury is hereby authorized to draw his warrant upon the state treasurer for the bills of expenses so incurred, upon vouchers duly certified by the said trustees.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

CHAPTER LXXXV.

A Further Supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Writs of error in criminal actions to stay all proceedings upon judgments, &c

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case a writ of error shall be brought to remove any judgment rendered in any criminal action or proceeding, in any court of this state, and such writ of error shall be presented to such court, the said writ of error shall have the effect of staying all proceedings upon the said

judgment, and upon the sentence which the court or any judge thereof may have pronounced against the person or persons obtaining and prosecuting the said writ of error, pending and during the prosecution of such writ of error.

2. *And be it enacted*, That pending the prosecution of such writ of error, the court in which such judgment shall have been rendered, may, if deemed necessary, require the party prosecuting the same to give bail, during the prosecution of such writ of error in such sum and with such conditions as the court or any judge thereof, in which the said conviction was had, or any justice of the supreme court may deem reasonable; and it shall be the duty of the said court, and of the said judges, to admit such persons to bail, when application is made for the same, and proper and sufficient bail is offered; *provided*, Court may require party prosecuting writ to give bail, &c. *Provido.* that this section of this act shall not apply to capital cases.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1881.

CHAPTER LXXXVI.

An act relative to public printing.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated and indexed under the two heads of general public acts, special public and private acts; also the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index; the journals of the senate and minutes of the joint meetings and executive sessions and the minutes of the house of assembly, shall be printed in the same compact and workmanlike manner in which the said work was done in the year one Printing, how executed. Senate journals, minutes of assembly, &c.

| | |
|--------------------------------|--|
| Public bills. | thousand eight hundred and seventy-two ; also, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines ; and the prices to be paid for said |
| Compensation to be paid. | printing shall be as follows : for printing six thousand copies of the session laws, the sum of forty-two dollars per sheet of sixteen pages ; for printing one thousand copies of the journal of the senate, with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty-two dollars per sheet of sixteen pages ; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for press work ; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages ; and in cases where extra copies shall be ordered and delivered to either house, they shall be paid for at the rate of two dollars per sheet of four foolscap pages for each two hundred extra copies ; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for the press work ; <i>provided</i> , that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated ; and where matter requires two justifications, without rules, one price-and-a-half shall be paid ; <i>and provided further</i> , that seventy-five cents extra per page shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journals of the senate and minutes of the house of assembly. |
| Proviso. | |
| Proviso. | |
| Work to be completed—how done. | 2. <i>And be it enacted</i> , That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality and of the following description : for the documents, journals and minutes white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than fifty pounds to the ream of four hundred and eighty sheets ; for the laws the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets ; for |
| Paper. | |

the bills, to be on good flat cap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold per pound by paper dealers in New York or Philadelphia on the first day of April; and satisfactory evidence of the price of such paper within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in two volumes under title of "legislative documents," and no document or report shall be embraced in said volume unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volumes of documents there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume and shall be preceded by a list of the documents contained in such volume in the order in which they are arranged; when any document shall be ordered to be printed more than once (at periods more than ten days apart), the printer thereof shall be entitled to charge composition as above provided for each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or document.

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

Number of copies to be printed.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons employed to print the same within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer for the use of the state one hundred dollars of their salary; and the persons designated to print the said minutes and journals shall finish their work, and deliver it to the state treasurer within three months of the time of receiving the copy therefor, under a penalty of three hundred dollars; and the state treasurer shall

Officers to furnish copy.

Duty of state treasurer.

make distribution according to law of the said minutes and journals within one month after he shall receive the same from the person or persons designated to print the same.

Indices and
compensation
therefor.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, and to the minutes of the house of assembly, shall hereafter be made out by the person or persons respectively, who may be empowered to execute said printing, and the sum of seventy-five dollars each shall be allowed said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws, and one following the special public and private laws, the last named to be a general index to the whole volume, and said indices shall be made out alphabetically, in the style of the indices of the pamphlet laws for the year one thousand eight hundred and seventy-six; the indices to the senate journal and to the assembly minutes shall be set solid in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

Printer of cer-
tain reports.

6. *And be it enacted*, That William S. Sharp be employed to print the report of banking and savings institutions, and the comptroller's report with appendix.

Current print-
er.

7. *And be it enacted*, That John L. Murphy be employed to print the bills of the senate and general assembly, and such other document printing as may be ordered by the two houses, and the annual reports of state officers to the legislature except when otherwise disposed of by this bill.

Senate journal.

8. *And be it enacted*, That Sanford S. Murphy, of the city of Burlington, be employed to print one thousand copies of the senate journal and minutes of joint meeting and executive sessions for the current year, in compact form as per journal of one thousand eight hundred and seventy-two.

Minutes of the
house.

9. *And be it enacted*, That Samuel L. Garrison, of Boonton, be employed to print one thousand copies of the minutes of the house of assembly for the current year in compact form as per minutes of one thousand eight hundred and seventy-two.

Laws, and
when to be
delivered.

10. *And be it enacted*, That Thomas C. Hamilton, of Gloucester City, be employed to print six thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Thomas C. Hamilton shall have received

the copies thereof; and on failure thereof the said Thomas C. Hamilton shall forfeit the sum of three hundred dollars, Penalty. which the said treasurer is authorized to withhold and deduct from the amount due them for printing the said copies; and the said treasurer shall make distribution according to law of the said copies of the laws within one month after he shall receive the same.

11. *And be it enacted*, That Peter W. Rousse, of Elizabeth, Documents. be employed to print one thousand copies of the legislative documents of the current year.

12. *And be it enacted*, That Samuel Toombs, of Orange, be Printer of cer-
tain reports. employed to print the reports of the state board of agriculture, the state prison report, the state normal school report, the attorney general's report, the Trenton asylum report, the report of the superintendent of weights and measures, the report of the commissioner of railroad taxation, the report of the riparian commission, the adjutant general's report, the report of the Morristown lunatic asylum, and the report of Rutgers scientific school.

13. *And be it enacted*, That Charles H. Folwell, of Mount Holly, be employed to print the state treasurer's report, the Printer of cer-
tain reports. report of the board of health, and the report of the state board of education.

14. *And be it enacted*, That Edward B. Porter, of Somerville, be employed to print the report of the bureau of statis- Printer of cer-
tain reports. tics.

15. *And be it enacted*, That John F. Babcock, of New Brunswick, be employed to print the report of the secretary Printer of cer-
tain reports. of state as commissioner of insurance.

16. *And be it enacted*, That Winfield S. Snyder be employed Printer of cer-
tain reports. to print the quartermaster general's report.

17. *And be it enacted*, That Theodora S. Preith, of the city of Newark, be employed to print the usual number of such Report in
German. reports as may be ordered printed in German during the current year, except the report of the state board of agriculture.

18. *And be it enacted*, That L. Bauerbrand & Co., of Elizabeth, be employed to print the usual number of the state Reports in
German. board of agriculture report in German.

19. *And be it enacted*, That it shall be the duty of the sec- Secretary of
state to furnish
copy. retary of state to deliver or cause to be delivered to the person or persons, who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legisla-

ture, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

Repealer.

20. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and are hereby repealed.

21. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1881.

CHAPTER LXXXVII.

A Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Council authorized, upon consent of one-half or more of the value of taxable property, to borrow money to complete or carry out improvements and to issue bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of laying out, grading or improving the streets or sidewalks of any borough formed or organized by virtue of the act to which this is a supplement, it shall and may be lawful for the council of said borough, upon obtaining the written consent of persons representing one-half or more of the value of the taxable property in said borough, as represented by the duplicate of the borough assessor, to borrow such sum or sums or money, in the name of the borough, as may be necessary to carry out and complete the laying out, grading or improvement of any street or streets, sidewalk or sidewalks in said borough; and to secure the payment thereof by the issuing of bonds or other instruments, under the common seal of the borough and signature of the mayor, attested by the clerk; said bonds not to run for a longer period than twenty years from the date thereof, and to bear interest at a rate not exceeding the legal rate.

2. *And be it enacted*, That said council may, upon obtaining the written consent of the persons representing one-half or more of the taxable property in said borough as aforesaid, to cause any of said streets or sidewalks to be graded and improved, and to issue bonds or other instruments, under the common seal of said borough and signature of the mayor, as they shall deem for the best interests of said borough.

When council authorized to grade and improve streets, &c.

3. *And be it enacted*, That when the council of any borough shall issue bonds as herein provided, that it shall and may be lawful for the said council to order and cause to be assessed and raised by tax every year, each sum of money, in addition to other moneys to be raised by said borough, as may be requisite to pay the interest on said bonds, and so much of the principle thereof as they may deem necessary and expedient, and to provide for the payment of said bonds when due; *provided*, the provisions of this act shall not be operative until the people of such borough shall vote on the issue of such bonds at the next ensuing municipal election to be held in such borough, and if a majority of the legal voters therein shall vote against such issue then no such issue of bonds shall be made.

Interest and principal on bonds to be assessed and collected.

Proviso.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved March 10, 1881.

CHAPTER LXXXVIII.

An Act for the better protection of manufacturers and bottlers of, and dealers in mineral waters, beer, ale, porter and other beverages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all manufacturers and bottlers of, and dealers in mineral waters, beer, ale, porter or any other beverages whatsoever, having to use boxes or bottles upon which his, her or their name or names, mark or marks shall be respectively marked, stamped or impressed, may file in the

Manufacturers and bottlers may file in county clerk's office description of boxes or bottles, &c., and may publish same in newspapers.

office of the clerk of the county in which the business of any such manufacturer, bottler or dealer is conducted, or in the county wherein the principle office or depot of any such manufacturer, bottler or dealer shall be located, doing business in this state but manufacturing or bottling out of this state, a description of such boxes or bottles, and of the name or names, mark, or marks thereon, and may cause the same to be published for four weeks successively in a daily, weekly or other newspaper published in the said county.

Unlawful to use, sell, buy, &c., any boxes or bottles, marked or stamped.

2. *And be it enacted*, That it shall be unlawful for any person or persons hereafter, without the written permission of the owner or owners thereof, to use, sell, dispose of, buy or traffic in, or to wilfully mar or erase, the name or names, mark or marks thereon, or to break, destroy or otherwise injure any such box or boxes, bottle or bottles so marked or stamped, a description of which shall have been so filed and published as aforesaid, or to fill the same with mineral water, beer, ale, porter or any other beverage whatsoever for the purpose of sale or traffic.

Penalty for using, buying, selling, &c., any boxes or bottles.

3. *And be it enacted*, That any person or persons who shall so use, sell, dispose of, buy or traffic in, or who shall so mar, erase, break, destroy or otherwise injure or fill any such box or boxes, bottle or bottles, as aforesaid, shall be liable to the penalty not less than twenty-five nor more than fifty dollars, to be recovered by proceeding as hereinafter set forth, together with all costs of such proceedings; which said penalty shall be for the use of the poor of the city, town or township wherein such offence shall be committed.

When deemed an unlawful use or purchase, &c.

4. *And be it enacted*, That the fact of any person or persons other than the rightful owner or owners thereof using such box or boxes, bottle or bottles, for the sale therein of any mineral water, beer, ale, porter or other beverage, or any junk vender, or dealer in bottles, having secreted in or upon his, her or their premises, or any other place or places, or having in his, her or their possession unlawfully, any of such boxes or bottles shall be *prima facie* proof of the unlawful use and purchase of such box or boxes, bottle or bottles as aforesaid.

Owner or owners, upon belief, may make complaint of the unlawful use, &c., before any justice, police justice, &c.

5. *And be it enacted*, That if any such owner or owners, or his, her or their agent have reason to believe, and does or do believe, that any of his, her or their box or boxes, bottle or bottles, marked, stamped or impressed and registered as aforesaid, are being, or have been unlawfully used as aforesaid, by

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any person or persons, or that any junk vender or dealer in bottles has, or has had any of such boxes or bottles unlawfully in his possession as aforesaid, or has any of such boxes or bottles secreted in or upon his, her or their premises, or in any other place or places, any such owner or owners, or his, her or their agent, may go before any justice of the peace of the county or any police justice or recorder of any city wherein such offence may be, or have been committed, and make complaint thereof under oath.

6. *And be it enacted*, That it shall be the duty of any justice of the peace, or any other magistrate as aforesaid, before whom any such complaint shall be made as aforesaid, thereupon to issue a process in the nature of a search warrant, directed to any constable or police officer of said city, which shall recite said complaint as aforesaid, and shall command said constable, or officers to immediately search the premises, place or places mentioned in said complaint, and if upon such search any such box or boxes, bottle or bottles, as mentioned in said complaint, be found, to bring the same, together with the body of the person or persons in whose possession they may be found, before such justice.

Magistrate to issue process or search warrant to bring property or person before him.

7. *And be it enacted*, That when any such person or persons as aforesaid, shall be brought before any justice of the peace or such other magistrates, upon a process issued as aforesaid, such person or persons shall enter into a recognizance with good security to be approved by said justice, in the penalty of one hundred dollars, to appear at such time as the said justice shall appoint, for a hearing under said complaint, which hearing shall not be less than five nor more than ten days from the day of said arrest, and may be adjourned by such justice from time to time on good and sufficient cause being shown therefor, and in default of such recognizance, such person or persons shall be committed by said justice to the county jail to abide a hearing; upon which hearing the said justice shall proceed to hear and determine as to the truth of said complaint, and the ownership of any such boxes or bottles which may be brought before him; and if said justice shall determine such person or persons guilty of the offense as charged in said complaint, he shall thereupon render judgment against such person or persons for an amount of not less than twenty-five dollars nor more than fifty dollars, and all costs of such proceedings, and in default of payment thereof issue execution

Offender to enter into recognizance.

Offender to be committed to county jail.

Judgment to be rendered, &c.

therefor against the goods and chattels, and the body of such person or persons, and shall immediately deliver such boxes or bottles into the possession of such owner or owners to whom the same shall appear to belong.

Justice to deliver to owner or owners all boxes or bottles belonging to them, &c.

8. *And be it enacted*, That if upon the issue of any such process as aforesaid the said constable shall be unable to find the person or persons therein named, but shall find any boxes or bottles therein set forth, he shall bring such boxes or bottles before said justice, who shall thereupon proceed to determine the right of such complainant thereto, and if upon the hearing had thereon, he shall be satisfied that such boxes or bottles rightfully belong to such complainant, he shall forthwith deliver the same into his, her or their possession.

Parties may demand trial by jury.

9. *And be it enacted*, That any time previous to the hearing of said complaint as aforesaid, either party may demand a trial by jury, whereupon said justice shall issue a *venire facias* to summon a jury of twelve men competent as jurymen to try said complaint, and to decide whether the person or persons complained of be guilty or not guilty, which said jury shall determine the rightful ownership of every such box or boxes, bottle or bottles, if any there be, as well as the guilt of the person or persons complained of; and in case the said jury decide such person or persons guilty, then said justice shall proceed as though he had so determined if no jury had been demanded.

Appeals may be had to court of general quarter sessions.

10. *And be it enacted*, That either party, upon paying all costs incurred, and by filing with said justice within ten days after trial before him, a written notice of his, her or their intention to appeal from the decision of said justice or jury, may appeal to the next court of general quarter sessions of the peace, and may there demand a trial by jury, which court shall proceed to try the same and make such adjudication and delivery thereon as is herein provided, in case of such trial before said justice.

Proceedings under this act may be regulated and conducted as prescribed by a certain act.

11. *And be it enacted*, That except as herein provided, all proceedings had under the provisions of this act, shall as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes" and the several supplements thereto.

Repealer.

12. *And be it enacted*, That all acts and parts of acts

inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 11, 1881.

CHAPTER LXXXIX.

A Supplement to an act entitled "An act for the formation of borough governments in sea-side resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to which this is a supplement be amended so that the same shall read as follows :

17. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of ten mills on the dollar shall, in the opinion of the said council, be necessary to be raised in any one year for the uses of such borough, then and in such case the said council are hereby authorized to give notice to the property holders of the borough by advertisement, published in one newspaper, if any there be printed in the county in which such borough is situated, for at least two weeks, once in each week, before acting thereon ; and by printed hand bills put up in five of the most public places in such borough for a like period, stating the sum of money necessary to be raised and the purposes and uses for which such money is needed, and upon obtaining the written consent of persons representing one half or more of the taxable property in said borough, as represented by the duplicate of the borough assessor for the previous year, said members of council may proceed to vote thereon ; and every sum of money so voted by any resolution of the said council to be raised by tax in such borough, shall be assessed and collected the same as other taxes are assessed and collected ; *provided, always*, that whenever the council shall by a unanimous vote declare any sum, not exceeding two thousand dollars, in any one year

Section as amended.

Notice to be given when greater sum is necessary to be raised by tax in any one year for borough purposes.

Proviso.

to be necessary for the repairing or maintaining of the beach front, such sum so voted upon shall be assessed and collected in the same manner that the other taxes are assessed and collected, and said council may, if by unanimous vote they declare it necessary, borrow such sum in anticipation of its assessments and collection, giving therefor such bond or bonds as they are hereinbefore authorized to issue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1881.

CHAPTER XC.

An act to prevent the issue of false receipts and to punish fraudulent transfers of property by warehousemen, wharfingers and others, and to provide for the transfer of merchandise, receipts and other vouchers by endorsement.

Unlawful for any warehouseman to issue any receipt, acceptance, &c., to any person or persons, unless goods, &c., shall be in the store or under his control.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no warehouseman, wharfinger, public or private inspector, or custodian of property, or other person or corporation, shall issue any receipt, acceptance of an order, or other voucher, for or upon any goods, wares, merchandise, provisions, grains, flour or other produce or commodity, to any person or persons, or corporation, purporting to be the owner or owners thereof, or entitled or claiming to receive the same, unless such goods, wares, merchandise, provisions, grain, flour or other commodity shall have been actually received into the store or upon the premises of such warehouseman, wharfinger, inspector, custodian or other person, or corporation, as stated therein, and shall be in the store or upon the premises as aforesaid, and under his or its control at the time of issuing such receipt, acceptance or voucher.

2. *And be it enacted*, That no warehouseman, wharfinger, custodian or other person or corporation shall issue, or cause to be issued, any receipt or other voucher upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, to any person or persons, or corporation, as security for any money loaned or other indebtedness, unless such goods, wares, merchandise, provisions, grain, flour or other produce or commodity shall be at the time of issuing such receipt or other voucher in the custody of such warehouseman, wharfinger or other person or corporation, and shall be in store or upon the premises and under his or its control at the time of issuing such receipt or other voucher as aforesaid.

Unlawful to issue receipt or voucher for goods, &c., unless goods, wares, &c., shall be in store, &c.

3. *And be it enacted*, That no warehouseman, wharfinger, inspector, custodian, or other person, or corporation, shall issue any second or duplicate receipt, acceptance, or other voucher, for or upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, while any former receipt, acceptance, or voucher for or upon any such wares, merchandise, provisions, grain, flour or other produce or commodity as aforesaid, or any part thereof, shall be outstanding and uncanceled without stamping or writing in ink across the face of the same "duplicate."

When unlawful to issue any second or duplicate receipt, voucher, &c.

4. *And be it enacted*, That no warehouseman, wharfinger, custodian or other person or corporation, shall sell or encumber, ship, transfer, or in any manner remove beyond his immediate control any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, for which a receipt shall have been given by him as aforesaid, whether received for storing, shipping, grinding, manufacturing or other purposes, without the written consent of the person or persons holding such receipt, except in case of a notice in writing served upon the person holding such receipt, demanding removal of the same, in which case the same shall be removed within twenty days after the service of such notice.

Unlawful to sell, transfer or remove goods, &c., for which a receipt has been given, without written consent of person holding receipt.

5. *And be it enacted*, That no master, owner or agent of any vessel, or boat of any description, or officer, or agent of any railroad company, or other person, shall sign or give any bill of lading, receipt or other voucher or document, for any merchandise or property, from which it shall appear that such merchandise or property has been shipped on board any vessel, boat or railroad car, unless the same shall have been actually shipped, and put on board such vessel, boat or car, and shall

Unlawful for master, owner or agent of vessels to sign or give a bill of lading or receipt for merchandise, unless the same has been shipped and put on board of vessel, &c.

be at the time actually on board or delivered to such vessel, boat or car, to be carried and conveyed as expressed in such bill of lading or other voucher or document.

Warehouse receipts or other vouchers, may be transferred.

6. *And be it enacted*, That all warehouse receipts or other vouchers given for any goods, wares, merchandise, provisions, grain, flour or other produce or commodity stored or deposited with any warehouseman, wharfinger, corporation or other person or persons, may be transferred by endorsement or delivery thereof, and any person to whom the same may be transferred shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified without notice of such transfer, or an actual delivery, or change of possession of the goods, wares, merchandise, grain, flour or other produce or commodity named therein, so far as to give validity to any pledge, security, lien or transfer made or created by any person or persons, corporation or corporations; but no property shall be delivered except in surrender and cancellation of said original receipt or the endorsement of such delivery thereon, in case of partial delivery; all warehouse receipts, however, which shall have the words "not negotiable" plainly written, printed or stamped on the face thereof, shall be exempt from the provisions of this section; *provided, however*, that the person or persons, corporation or corporations, to whom such receipts or vouchers are endorsed and delivered, shall be subject to the same conditions as the person or persons, corporation or corporations, to whom the same were originally delivered.

Proviso.

Penalty for the violation of this act.

7. *And be it enacted*, That any warehouseman, wharfinger, inspector, custodian or other person or corporation who shall violate any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and, upon indictment and conviction, shall be fined in any sum not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment; and all and every person or persons, corporation or corporations, aggrieved by the violation of any of the provisions of this act may have and maintain an action at law against the person or persons, corporation or corporations violating any of the provisions of this act, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted as hereinbefore mentioned or not.

8. *And be it enacted*, That so much of this act as forbids the delivery of property, except in surrender and cancellation of the original receipt, or the endorsement of such delivery thereon, in case of partial delivery, shall not apply to property removed by operation of law. Act not to apply to property removed by operation of law.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1881.

CHAPTER XCI.

A Supplement to an act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities, from fire insurance companies not organized under the laws of this state, but doing business herein," approved March fourteenth, one thousand, eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each fire insurance company not organized under the laws of this state, that shall take insurance risks on property in this state, shall on the first day of the months of January and July in each year, cause to be made to the treasurer of the fire department relief fund association of each city, town or township in which property is on which such company has taken an insurance risk, a true return in writing, verified by oath of an officer of such company, showing the amount of all premiums collected by others than the regularly appointed agents of such company doing business in this state, within the six months immediately preceding the time of making each of said returns for insurance by such company, on property in such city, town or township, and pay, some time in the months of January or July in every year, to said treasurer, the sum of two dollars for every one hundred dollars of such premiums, and at the same rate for amounts of premiums collected less than one hundred dollars ; but this Agent or agents to return amount of premiums received to treasurer of fire department relief fund.

act shall in no wise alter or affect the making of returns to the different firemen's relief fund associations by regularly appointed agents of such fire insurance companies.

Duty of secretary of state in case report is made of default of payment.

2. *And be it enacted*, That each fire insurance company that shall fail to comply with the provisions of the preceding section, the same being reported to the secretary of state, in writing, attested by the oath of said treasurer, the secretary of state shall forthwith revoke any certificate of authority issued to said company, and until the provisions of this act shall have been complied with by such company, said company shall not have authority to transact business in this state.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1881.

CHAPTER XCII.

An act to extend the time for the completion of horse railroads whose charters shall or shall have expired during the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, where work has been performed on said horse railroads and money expended thereon.

Time limited for completion of any horse railroad extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any horse railroad, authorized to be constructed within this state under special acts, shall expire or shall have expired during the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, such time shall be and the same is hereby extended for a further period of five years; *provided, however*, that this act shall not apply, unless money has been actually expended in

Proviso.

surveys, locations of route, the acquirement of rights of way, or construction.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1881.

CHAPTER XCIII.

An Act relative to the Monmouth battle monument.

WHEREAS, "The Monmouth Battle Monument Association," ^{resemble.} a corporation under the laws of this state, has acquired title to a tract of land containing nearly four acres, in the township of Freehold, in the county of Monmouth, at the place where the battle of Monmouth commenced on the morning of the twenty-eighth day of June, anno domini one thousand seven hundred and seventy-eight; which tract of land, called "Monument Park," is valued at three thousand dollars, and which was acquired by said association for the purpose of erecting a monument thereon; *and whereas*, the said association has received from citizens of this and other states donations amounting to over nine thousand dollars in cash, and are receiving from week to week additional subscriptions to be expended towards the erection of a monument on said "Monument Park," which with the cash now in hand will probably before the first day of April next amount to the sum of ten thousand dollars; *and whereas*, the said association has not collected and may not collect within the time specified in the deed to said association for said land, a sum of money sufficient to erect a monument of such size and finish as is demanded by the importance of the historic event it is designed to commemorate; *and whereas*, it is proper for the state to aid patriotic citizens who contribute, in constructing monuments on her battle fields; *and whereas* it is represented that the said "Monmouth Battle Monument Association" will convey to the state of New Jersey the said tract of land known as "Monument Park," to be

used for said object, and also to contribute money in the hands of its treasurer and which may hereafter come to his hands, towards the erection of said monument; *provided*, the state will appropriate a sum for such object, equal in amount to the value of said tract of land and the moneys which have been paid in, or which shall be paid in to the said association, not exceeding the sum of ten thousand dollars, therefore;

Appropriation
toward the
erection of a
monument.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That out of any moneys in the treasury of this state, there be hereby appropriated the sum of ten thousand dollars, to be paid as hereinafter specified towards the erection of a monument of granite or marble on the tract of land now belonging to the "Monmouth Battle Monument Association," called "Monument Park," in the township of Freehold, Monmouth county, New Jersey; *provided*, that before said sum of money, or any part thereof, be paid to the commissioners hereinafter mentioned, or simultaneously therewith, the said association shall convey their right in said "Monument Park" to the state of New Jersey, to be used for the said purpose only; and shall also pay to the said commissioners the sum of at least eight thousand dollars, to be used, with the sum appropriated hereby by the state, for the erection of said monument.

Who consti-
tutes commis-
sion.

Authorized to
contract for,
erect and finish
a monument,
&c.

2. *And be it enacted*, That the comptroller of the treasury, the adjutant general and quartermaster general of this state, the president of the senate and speaker of the house of assembly for the time being, together with five trustees of the "Monmouth Battle Monument Association," to be chosen by said association, be and the same are hereby constituted a commission under this act to select a design, to contract for, erect and finish on "Monument Park" aforesaid a suitable monument, to be ornamented with such statuary and tablets of bronze or other material as the commissioners shall determine, and also to grade, fence and improve the grounds at an expense not exceeding the sum hereby appropriated and the amount which shall be paid to said commission by said association; and that said commission commence work upon and finish said monument as soon as practicable, and said commissioners shall not receive any compensation for their services.

3. *And be it enacted*, That the persons who shall compose said commission shall meet at the court house, in the town of Freehold, on the second Saturday of April, anno domini one thousand eight hundred and eighty-one, at eleven o'clock, A. M., six of whom shall be a quorum for transaction of business, and shall at such meeting organize and pass by-laws, rules and regulations, and elect a treasurer and other officers, which treasurer, before performing the duties of his office, shall enter into bond to the State of New Jersey, conditioned for the faithful discharge of his duties, in such sum as the said commission shall determine, and shall not receive any compensation; and that the said association shall on or before the first Monday of May, anno domini one thousand eight hundred and eighty-one, transfer to the treasurer of said commission all the moneys or evidences of indebtedness which now are, or shall be in the hands of the treasurer of said association at that time, and shall from time to time, pay to said commission the moneys which may thereafter be received by said association for the purpose of erection of the monument, except the sum of two thousand dollars, which said association shall retain for the purposes hereinafter provided, and the said treasurer shall in all cases pay out moneys only on the order of at least four of said commission, of which at least two shall be state officers herein designated.

Time and place of meeting of commission.

May make by-laws, rules, &c.

Association to transfer to the treasurer all moneys, &c.

4. *And be it enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the treasurer of said commission the moneys hereby appropriated, to be used by said commissioners, together with the moneys contributed by said association, to erect and maintain a monument on said "Monument Park," and to grade, fence and improve said grounds; *provided*, the said association shall, on or before the first Monday of May next, transfer all moneys and evidences of indebtedness belonging, or which shall then belong to said association (except the said sum of two thousand dollars) to the treasurer of said commission, and shall execute the deed aforesaid to the State of New Jersey; *provided, also*, that no part of said moneys hereby appropriated shall be drawn from the treasury of the state until a majority of the persons composing said commission (the comptroller being one) shall certify in writing that said moneys are needed and required for the purposes for which this appropriation is made, which certificate shall be filed in the office of the comptroller; *and provided, further*, that not more than two thousand dollars of said

State treasurer authorized to pay to treasurer of commission moneys appropriated, &c.

Proviso.

Proviso.

Proviso.

moneys hereby appropriated shall be drawn from the treasury of the state before the first day of January, anno domini eighteen hundred and eighty-three.

Commission to
make report to
the governor.

5. *And be it enacted*, That after the said monument shall be completed and unveiled, and the grounds properly graded, fenced, and improved, the commission aforesaid shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument and grounds shall devolve upon and be vested in the "Monmouth Battle Monument Association of the State of New Jersey.

Association to
reserve a cer-
tain amount of
money and
place the same
at interest.

6. *And be it enacted*, That said association shall, out of the moneys in the hands of its treasurer, reserve the sum of two thousand dollars and place the same at interest, the interest to be collected semi-annually, which interest moneys, or so much thereof as shall be necessary, shall be used to keep the grounds and fences of said "Monument Park" in order and to care for the monument.

Monument
grounds to be
kept open for
the use of the
public.

7. *And be it enacted*, That said monument grounds shall always be open, so that all persons may have access thereto without charge, under proper rules and regulations enacted by said association, which shall not be inconsistent with the laws of this state or of the United States.

8. *And be it enacted*, That this act shall take effect immediately.

Passed March 14, 1881.

CHAPTER XCIV.

Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, anno domini one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any borough incorporated under the act to which this is a supplement, when the number of legal voters within the boundaries of said corporation does not exceed one hundred and fifty, may, at any election hereafter being had, decide by a majority of votes cast, whether or not said borough incorporation shall be continued or set aside.

Legal voters may decide, by election, whether borough incorporation shall be continued or not.

2. *And be it enacted*, That it shall be the duty of the freeholders of the township wherein said borough exists, to appoint a time and place for such an election upon the application of ten freeholders residing within the limits of such borough incorporation, by setting up a notice of such election in three public places within said borough, at least ten days previous to said election; *provided*, this act shall not apply or be construed to apply to any borough in this state which has entered into any contract or is liable for any expenditure or indebtedness of any kind.

Freeholders of borough to appoint a time and place for election.

Provido.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCV.

An Act to provide for the substitution of bonds and mortgages upon school district property for certain unmatured bonds of school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of any school district in this state, the trustees of which have heretofore, pursuant to any law of this state, made, executed and delivered school district bonds conditioned for the payment of any specified rate of interest, and further conditioned for the payment of all taxes which may be levied, assessed or imposed on the money mentioned in and intended to be secured by said bonds, may, with the consent of the holder or holders of said bonds, substitute therefor the bonds and mortgages of the school district.

Trustees of school districts may substitute bonds and mortgages of the school district for bonds issued with the consent of the holders thereof.

Trustees to execute and deliver the bonds and mortgages.

2. *And be it enacted*, That the bonds and mortgages provided for by the first section of this act shall be made, executed and delivered by the trustees of the said school district to the holders of the bonds heretofore issued as aforesaid, that they shall be in the same amounts, payable at the same times, and shall bear the same rate of interest as the bonds for which they are substituted.

Mortgages to be a lien upon the real estate.

3. *And be it enacted*, That the said mortgages shall cover and be a lien upon such real estate of the school district as the trustees thereof and the holders of said bonds may agree upon; *provided, however*, that the bonds and mortgages to be issued by any school district in this state, under the provisions of this act, shall not exceed in the aggregate the sum of ten thousand dollars.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVI.

A Further Supplement to an act entitled "An act for the protection of bridges in this state" [Revision], passed February twenty-seventh, one thousand eight hundred and thirty-three.

Owner or owners of draw-bridges erected across navigable waters may erect on both sides thereof distance posts, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owner or owners of any bridge erected and maintained across any navigable waters within this state, under the provisions of any law thereof, to erect and maintain in such waters, on both sides of the drawbridges of such bridges, a substantial and conspicuous distance post, at the distance of five hundred yards from said drawbridge, in such position as to cause the least practicable obstruction to the navigation of such waters, and to erect upon such drawbridge a pole, not less than thirty feet in height, to the top of which a ball, not

less than two feet in diameter, may be raised; and it shall be the duty of the person having special care of such drawbridge, to raise said ball to the top of said pole whenever any railway passenger train about to cross said drawbridge shall have arrived within the distance of one mile from said drawbridge, and to keep the said ball so raised until such train shall have passed over said drawbridge, and then promptly to lower said ball; and if such person shall neglect to raise and lower said ball in manner aforesaid, he shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same.

Ball to be raised on the approach of railway trains.

Penalty for neglect to raise and lower ball.

2. *And be it enacted*, That if any person or persons having the command of any vessel about to pass through any drawbridge comprised within the provisions of the first section of this act, shall, while the ball mentioned in the said first section is raised as aforesaid, cause or permit such vessel to pass the distance post aforesaid, erected on that side of such drawbridge toward which such vessel is approaching, he or they so offending shall, for each and every such offence, forfeit and pay the sum of one hundred dollars, besides being liable for all damage that may be done to said bridge, or the owner or owners thereof, or to any railway train thereon, by reason of such offence, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person or persons who shall sue for the same.

Penalty for any person commanding vessel passing the distance posts when the ball is raised.

Liable for damages done to bridge, train, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount ap-
propriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer au-
thorized to pay
appropriation.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVIII.

An Act for the relief of soldiers, sailors and their widows of this state, in the war of one thousand eight hundred and twelve.

Preamble.

WHEREAS, The legislature of the state of New Jersey did order to be paid to the soldiers and sailors who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors, the sum of one hundred dollars, in equal semi-annual payments during their lifetime, from and after the twelfth day of March, one thousand eight hundred and seventy-four; *and, whereas*, the congress of the United States did pass an act giving said soldiers and sailors and the widows of any such soldiers and sailors a pension from and after the ninth day of March, one thousand eight hundred and seventy-eight; *and, whereas*, there are a few soldiers and sailors and widows of such soldiers and sailors of the war of one thousand eight hundred and twelve, who, through not knowing of the passage of the said act of March twelfth, one thousand eight hundred and seventy-four, have not received any pension of the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid to all soldiers and sailors and the widows of any such soldiers and sailors of the war of one thousand eight hundred and twelve for each year, to commence from the twelfth day of March, one thousand eight hundred and seventy-four, to the ninth day of March, one thousand eight hundred and seventy eight; *provided*, that nothing in this act shall allow any soldier, sailor or their widow to receive any benefit therefrom who have received pension already under the act of March twelfth, one thousand eight hundred and seventy-four, or any supplement thereto. Pension to soldiers and sailors, and widows of soldiers and sailors of the war of 1812.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately. Proviso.

Approved March 15, 1881. Repealer.

CHAPTER XCIX.

A Supplement to the act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, and re-enacted in sections one hundred and sixty and one hundred and sixty-one of the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company having constructed a portion of its railroad to suspend the operation of such portion during such time or times as in the judgment of its board of directors may be requisite to complete its railroad or to reconstruct the same, or to alter the grade or grades of its railroad already built; anything in the act to which this is a supplement, or in any other law to the contrary notwithstanding. Railroad companies having constructed a portion of road, may suspend such portion or alter the grade or grades of road already built.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER C.

A Supplement to an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine.

Section to be amended re-
eited.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to, provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

Justice of su-
preme court to
cause sum-
mary investi-
gation to be
made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in

such manner as he may deem proper ; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt ; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditure may have been investigated.

Penalty for refusal or failure to obey order of court.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CI.

An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars be and the same is hereby appropriated for the support and maintenance of the state reform school, and the sum of five thousand dollars for construction of farm buildings.

2. *And be it enacted*, That the treasurer is hereby authorized to pay this amount to the trustees of the state reform school for boys, on the warrant of the comptroller.

Treasurer authorized to pay appropriation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CII.

A Supplement to the act entitled "An act for the formation of borough governments," approved April fifth one thousand eight hundred and seventy-eight.

Section to be amended recited.

Election for mayor and councilmen to be held annually.

Term of office.

Council authorized to cause to be assessed and raised by tax sum of money to meet current expenses.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act be and the same is hereby amended so as to read as follows :

4. *And be it enacted*, That on the first Tuesday of October next, after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, and on the second Tuesday of March annually thereafter, the legal voters of said borough shall assemble at some convenient place in said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors, to conduct an election for a mayor and six councilmen, being residents and legal voters in said borough, who shall constitute the council of said borough ; at the first election two councilmen shall be elected for one year, two for two years and two for three years, and two councilmen shall be elected annually thereafter to serve for three years ; the mayor shall hold his office for one year.

2. *And be it enacted*, That it shall and may be lawful for the council of every borough organized and formed under the act to which this is a supplement, to order, and cause to be assessed and raised by tax every year, such sum or sums of money, not exceeding fifteen hundred dollars in any one year, as they shall deem expedient for the current expenses of such borough, which sum so designated being certified to by the mayor and clerk, shall be assessed and collected the same as provided for and directed in the act to which this is a supplement.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CIII.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been, or shall hereafter be issued for the collection of taxes in any incorporated town of the state, and the officer receiving the same has neglected or failed to execute or return the same, or to collect any part of the taxes thereby directed to be collected within the time now limited by law, the justice of the peace who issued the said warrant, or in case of his death or disability, or the expiration of his term of office, then any other justice of the peace of the said county shall, at the request of the common council of the said town, issue alias or pluries warrants for the collection of such taxes as shall remain uncollected under the previous warrant, which said alias or pluries warrants shall be good and effective for that purpose, and shall be executed and returned within sixty-days from the date of issuing the same in the manner provided for the return of original warrants in said incorporated towns, and shall be directed and delivered to the collector of said town, or to such person, as the said common council may appoint for that purpose; *provided*, that in case of the appointment of any person other than the collector, he shall be required before receiving the said warrant, to give a bond with such security as the common council may direct and approve of; and the said collector or other person so appointed shall, in the execution of the said alias or pluries warrants, have the same powers and perform the same duties, and be subject to the same liabilities and forfeitures, and receive the same compensation as is now provided in relation to the collectors of the several incorporated towns, in the execution of warrants for the collection of taxes.

Justice of the peace to issue alias or pluries warrants for collection of taxes.

Warrants to be executed and returned within sixty days.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CIV.

An Act to authorize municipal corporations to contract for a supply of water for public uses.

Municipal corporations authorized to contract for a supply of water for public use.

Money agreed to be paid to be levied and assessed upon real and personal property.

Proviso.

Proviso.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council, township committee or other governing body of any municipal corporation in this state, by whatever name such governing body may be called, to enter into and make a contract and agreement, with any existing aqueduct board or water company for a year or term of years, for the obtaining and furnishing of a supply of water to be used by and within such municipal corporation for the purpose of extinguishing fires, and for such other public uses and purposes as may be found necessary or convenient; which contract and agreement when so made shall be the valid and lawful contract of such municipal corporation, as well as of the said aqueduct board or water company, according to the tenor thereof; and the sum or sums of money in such contract, agreed to be paid in each year by any such municipal corporation, shall be levied and assessed as a tax upon the real and personal estate within such municipal corporation, and liable to taxation for other municipal purposes, and the said real estate and personal property is hereby made liable to the assessment and collection of such tax; *provided, however*, and it is hereby expressly enacted that no such agreement and contract shall be made for a period longer than ten years in any one term, and that the amount of payment in such contract agreed to be made in any year by any municipal corporation, shall not exceed a sum equal to one dollar for each inhabitant of such municipal corporation, unless the proposition be approved by a majority of the legal voters in such municipal corporation at an annual or special election, to which the same may be submitted; *and provided*, that this act shall not apply to any city now sup-

plied with water for public use pursuant to an existing contract or arrangement with some board or corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

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CHAPTER CV.

A Supplement to "An act respecting the Court of Chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the vice-chancellor provided for in the act to which this is a supplement, there shall hereafter be another vice-chancellor, who shall be a counsellor at law of at least ten years' standing, and who shall be appointed by the chancellor and commissioned by the governor under the great seal of the state, and who shall continue in office for seven years from the date of the commission.

2. *And be it enacted*, That the powers, duties and compensation of the vice-chancellor appointed by virtue of this act shall be similar to those of the vice-chancellor appointed by virtue of the act to which this is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CVI.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section seventy-seven of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and is hereby amended so as to read as follows:

State tax imposed.

77. *And be it enacted*, That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually upon the taxable real and personal property in this state, as exhibited by the latest abstracts of ratables from the several counties, made out by the several boards of assessors, and filed in the office of the comptroller of the treasury, a state school tax equal to four dollars for each child in this state between the ages of five and eighteen years, as exhibited by the next preceding school census, which tax shall be assessed, levied and collected at the same time and in the same manner in which other taxes are assessed, levied and collected; but if the moneys received by any township from the tax imposed by this act shall not be sufficient to maintain free schools for at least nine months in each year, then the inhabitants thereof may raise by township tax such additional amount as they may need for that purpose in the same manner as such taxes have heretofore been raised.

Additional amount may be raised by townships.

2. *And be it enacted*, That section seventy-eight of said act be and is hereby amended so as to read as follows:

Comptroller shall apportion tax among the counties.

78. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax among the several counties, in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the ratables respectively, as aforesaid, and it shall be his further duty to transmit, on or before the first day of April of each year, to the county collector of each county, a statement of the amount of said tax apportioned to and payable by said county, and said county collector shall lay said statement before the board of assessors of the townships and wards within his county at their next annual meeting, to apportion the taxes among said townships and wards, and said assessors shall thereupon proceed to apportion said school taxes as other taxes are apportioned, and to assess the same according to law.

And transmit statement.

Duties of assessors.

3. *And be it enacted*, That section eighty of said act be and is hereby amended so as to read as follows:

80. *And be it enacted*, That ten per centum of the full amount of money annually raised by virtue of the seventy-seventh section of this act shall be known as a reserve fund, and shall be apportioned among the several counties of the state, by the state board of education, equitably and justly, according to their own discretion, on or before the fifteenth day of April subsequently to the aforesaid apportionment by the comptroller of the treasury; and it shall be the duty of the state superintendent of public instruction, on or before the tenth day of January next ensuing said apportionment, to draw orders on the comptroller of the treasury, and in favor of the county collectors, for the payment of ninety per centum of the amount of school tax paid by the counties respectively; and the said county collectors shall apply for and be entitled to receive the amount of said orders as soon as the same are received; and the said superintendent shall also draw his orders in favor of the respective county collectors, for such portion of the reserve fund as shall have been apportioned to the counties respectively, as aforesaid, which orders shall be payable when the said reserve fund has been paid by the several counties; *provided*, that no portion of said moneys shall be used for the support of sectarian schools. State board of education shall apportion moneys among the counties. Proviso.

4. *And be it enacted*, That section eighty-one of said act be and is hereby amended so as to read as follows:

81. *And be it enacted*, That it shall be the duty of the county superintendent of each county to apportion annually to the districts and cities of his county, the state school moneys, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes upon the basis of the last published school census; *provided*, that all children residing in fractional districts situated in two or more adjoining townships, shall be included in the census of that township in which the fraction containing the school house is situated; *and provided* also, that no district shall receive from all state and county funds less than two hundred dollars; and that districts with forty-five children or more, shall not receive less than three hundred and fifty dollars. County superintendents shall apportion moneys among the townships, cities and districts. Proviso. Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1881.

CHAPTER CVII.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

One director of any manufacturing company to be a resident of this state.

Proviso.

Repealer.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary for more than one of the directors of any cotton, woolen, chemical or other manufacturing company organized under any law of this state, to be an actual inhabitant and resident of this state; *provided*, that every such company having only one of its directors, an actual inhabitant and resident of this state shall, in addition to the matters required by the first section of the act entitled "A supplement to an act entitled 'An act concerning corporations,'" approved April seventh, one thousand eight hundred and seventy-five, which supplement was approved March eighth, one thousand eight hundred and seventy-seven, also at the same time and manner therein provided, designate and file in the office of the secretary of state of this state the name and place of abode of such resident director.

2. *And be it enacted*, That all acts or parts of acts so far as they conflict with this supplement are hereby repealed, and that this act shall take effect immediately.

Approved March 16, 1881.

CHAPTER CVIII.

An Act concerning cities in this state.

Resolutions or orders concerning the issuing of scrip or bonds or con-

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no motion, resolution or order concerning the issuing of water scrip or bonds, or the contro

and cognizance of the structures and property connected with the supply and distribution of water, or the supplying, sale and use of water in any city in this state, shall be of any force or effect unless the same be concurred in by the board of finance and taxation, or other board having control of the fiscal department of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1881.

CHAPTER CIX.

An Act to establish a uniform standard of weights and measures in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the standard of weights and measures of the United States, now deposited in the office of the secretary of state, at Trenton, and in the offices of the clerks of the several counties of this state, shall be the standard of weights and measures of this state, and of the several counties thereof; and the said secretary of state and county clerks, and their successors in office, are hereby required to preserve and care for the same, and to keep them in proper condition for comparison with those used by the inhabitants of this state, when required by the provisions of this act.

2. *And be it enacted*, That in this state the bushel of barley shall consist of forty-eight pounds; of buckwheat fifty pounds; of clover seed, sixty-four pounds; of flax seed, fifty-five pounds; of Indian corn, fifty-six pounds; of amber sugar-cane seed, fifty-seven pounds; of oats, thirty pounds; of rye, fifty-six pounds; of wheat, sixty pounds; of Irish potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-five pounds, and of all other articles usually sold by the bushel and not weighed, the capacity of the bushel

trol of property, &c., to have no force unless concurred in by board of finance or other board.

Standard of weights and measures established.

Duties of secretary of state and county clerks.

Avoirdupois. Weight of certain articles to the bushel.

shall be two thousand one hundred and fifty and forty-two hundredths cubic inches ; of liquids, the standard gallon shall contain two hundred and thirty-one cubic inches ; the avoirdupois pound, of seven thousand grains troy, shall be the standard for all commodities usually sold by weight, except gold, silver, jewels and apothecaries' drugs, of which five thousand seven hundred and sixty grains troy shall constitute a pound ; the standard yard shall consist of three feet or thirty-six inches, and the chain for the measurement of lands shall consist of four rods or sixty-six feet.

Penalty for selling or vending wares, &c., of less weight or measure than established.

3. *And be it enacted*, That if any person or persons within this state shall wilfully vend or sell any wares or merchandise, or any commodity whatever, by any weight or measure of a less length, weight or capacity than those mentioned in this act, for the purpose of defrauding the person or persons purchasing the same, the person or persons so offending shall, on conviction thereof, forfeit and pay, for every offence, a sum not less than two nor more than five times the value of the article so illegally sold, to be recovered by action of debt, with costs, in any court having cognizance of that sum, one-half of said penalty to go to the prosecutor, and the other half to the educational fund of the township in which the offence may have been committed.

Persons may compare weights and measures with those deposited with county clerks.

4. *And be it enacted*, That for the protection of any person or persons against prosecution for violating this act, he, she or they shall have access to the standard weights and measures which now are or may hereafter be deposited in the clerk's office of their respective counties, for the purpose of comparing the several weights and measures by them used with those so deposited ; and the said clerks shall be entitled to receive one cent for every weight, two cents for every measure and ten cents for every scale compared, adjusted or corrected, to be paid by the person by whom application is made.

Fee of county clerks.

Certain act and supplements repealed.

5. *And be it enacted*, That the act entitled "An act to establish a uniform standard of weights and measures in this state, and to provide for the appointment of a state superintendent and inspector of the same," passed March twenty-fifth, one thousand eight hundred and seventy-two, and all supplements thereto, be and the same are hereby repealed.

6. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Passed March 17, 1881.

CHAPTER CX.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, as amended by the act entitled "A supplement to an act entitled 'An act concerning executors and administrators of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four, and approved February twenty-sixth, one thousand eight hundred and seventy-nine," be and the same is hereby amended so that the said amended section shall be and read as follows:

10. *And be it enacted*, That where any lands, tenements or hereditaments have been or shall be given, or devised by any last will or testament, executed in due form of law to the executors therein named, or any of them, to be sold, or have been or shall be thereby ordered or directed to be sold by the executors therein named, or any of them, and one or more of said executors shall die or have died, in the lifetime of the testator, or, if living at the death of the testator; shall refuse or neglect to prove the said last will of the testator, or shall die, or, if having proved said last will, and taken upon himself, herself or themselves, the execution thereof shall die, or resign the executorship or remove out of this state and refuse to act, or have died, or resigned the executorship or removed out of this state and refused to act, or shall be or have been discharged or removed from office by any court of competent jurisdiction, then and in any of such cases, the trusts in said will shall vest in the other executor or executors in said will named who shall prove, or heretofore hath or have proved said last will, and in the survivor or survivors of them, unless it shall be or is otherwise expressed in said will; and it shall

Section to be amended.

Surviving executor authorized to prove will and sell or convey lands, &c.

Section to be amended recited.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That section four of said act be and the same is hereby amended so as to read as follows :

Election for mayor and councilmen to be held annually.

4. *And be it enacted*, That on the first Tuesday of October next, after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, and on the second Tuesday of March annually thereafter, the legal voters of said borough shall assemble at some convenient place in said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors, to conduct an election for a mayor and six councilmen, being residents and legal voters in said borough, who shall constitute the council of said borough ;

Term of office.

at the first election two councilmen shall be elected for one year, two for two years and two for three years, and two councilmen shall be elected annually thereafter to serve for three years ; the mayor shall hold his office for one year.

Council authorized to cause to be assessed and raised by tax sum of money to meet current expenses.

2. *And be it enacted*, That it shall and may be lawful for the council of every borough organized and formed under the act to which this is a supplement, to order, and cause to be assessed and raised by tax every year, such sum or sums of money, not exceeding fifteen hundred dollars in any one year, as they shall deem expedient for the current expenses of such borough, which sum so designated being certified to by the mayor and clerk, shall be assessed and collected the same as provided for and directed in the act to which this is a supplement.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CIII.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been, or shall hereafter be issued for the collection of taxes in any incorporated town of the state, and the officer receiving the same has neglected or failed to execute or return the same, or to collect any part of the taxes thereby directed to be collected within the time now limited by law, the justice of the peace who issued the said warrant, or in case of his death or disability, or the expiration of his term of office, then any other justice of the peace of the said county shall, at the request of the common council of the said town, issue alias or pluries warrants for the collection of such taxes as shall remain uncollected under the previous warrant, which said alias or pluries warrants shall be good and effective for that purpose, and shall be executed and returned within sixty days from the date of issuing the same in the manner provided for the return of original warrants in said incorporated towns, and shall be directed and delivered to the collector of said town, or to such person, as the said common council may appoint for that purpose; *provided*, that in case of the appointment of any person other than the collector, he shall be required before receiving the said warrant, to give a bond with such security as the common council may direct and approve of; and the said collector or other person so appointed shall, in the execution of the said alias or pluries warrants, have the same powers and perform the same duties, and be subject to the same liabilities and forfeitures, and receive the same compensation as is now provided in relation to the collectors of the several incorporated towns, in the execution of warrants for the collection of taxes.

Justice of the peace to issue alias or pluries warrants for collection of taxes.

Warrants to be executed and returned within sixty days.

Proviso.

moneys hereby appropriated shall be drawn from the treasury of the state before the first day of January, anno domini eighteen hundred and eighty-three.

Commission to
make report to
the governor.

5. *And be it enacted*, That after the said monument shall be completed and unveiled, and the grounds properly graded, fenced, and improved, the commission aforesaid shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument and grounds shall devolve upon and be vested in the "Monmouth Battle Monument Association of the State of New Jersey.

Association to
reserve a cer-
tain amount of
money and
place the same
at interest.

6. *And be it enacted*, That said association shall, out of the moneys in the hands of its treasurer, reserve the sum of two thousand dollars and place the same at interest, the interest to be collected semi-annually, which interest moneys, or so much thereof as shall be necessary, shall be used to keep the grounds and fences of said "Monument Park" in order and to care for the monument.

Monument
grounds to be
kept open for
the use of the
public.

7. *And be it enacted*, That said monument grounds shall always be open, so that all persons may have access thereto without charge, under proper rules and regulations enacted by said association, which shall not be inconsistent with the laws of this state or of the United States.

8. *And be it enacted*, That this act shall take effect immediately.

Passed March 14, 1881.

CHAPTER XCIV.

Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, anno domini one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any borough incorporated under the act to which this is a supplement, when the number of legal voters within the boundaries of said corporation does not exceed one hundred and fifty, may, at any election hereafter being had, decide by a majority of votes cast, whether or not said borough incorporation shall be continued or set aside.

Legal voters may decide, by election, whether borough incorporation shall be continued or not.

2. *And be it enacted*, That it shall be the duty of the freeholders of the township wherein said borough exists, to appoint a time and place for such an election upon the application of ten freeholders residing within the limits of such borough incorporation, by setting up a notice of such election in three public places within said borough, at least ten days previous to said election; *provided*, this act shall not apply or be construed to apply to any borough in this state which has entered into any contract or is liable for any expenditure or indebtedness of any kind.

Freeholders of borough to appoint a time and place for election.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCV.

An Act to provide for the substitution of bonds and mortgages upon school district property for certain unmaturred bonds of school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of any school district in this state, the trustees of which have heretofore, pursuant to any law of this state, made, executed and delivered school district bonds conditioned for the payment of any specified rate of interest, and further conditioned for the payment of all taxes which may be levied, assessed or imposed on the money mentioned in and intended to be secured by said bonds, may, with the consent of the holder or holders of said bonds, substitute therefor the bonds and mortgages of the school district.

Trustees of school districts may substitute bonds and mortgages of the school district for bonds issued with the consent of the holders thereof.

ation, and shall have furnished work or materials, or both, in part performance of said contract, and afterwards said contract shall, upon certiorari, have been adjudged by the supreme court of this state to have been beyond the power of said municipal corporation to make, said person or persons so having furnished work or materials, or both as aforesaid, shall be entitled to receive from said municipal corporation just compensation for all such work or materials, or both, by him or them furnished respectively, before the service upon him or them of said certiorari, and may recover the reasonable value of such work and materials, or both, in any action of law now depending, or to be brought by him or them respectively ; and in said action neither the fact that said contract has not been completed, nor the fact that the same was beyond the power of said municipal corporation to make, shall be a defence.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1881.

CHAPTER CXV.

A Supplement to "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thou-and eight hundred and seventy-four.

Executors, &c.,
may invest
trust moneys.

1. BE IT ENATED *by the Senate and General Assembly of the State of New Jersey*, That any executor, administrator, guardian or trustee, whose duty it may be to loan the money entrusted to him, may invest the same on bond secured by first mortgage upon real estate estimated to be worth at the least twice the amount loaned, at a rate of interest not less than five per centum, nor greater than six per centum per annum.

less than two feet in diameter, may be raised; and it shall be the duty of the person having special care of such drawbridge, to raise said ball to the top of said pole whenever any railway passenger train about to cross said drawbridge shall have arrived within the distance of one mile from said drawbridge, and to keep the said ball so raised until such train shall have passed over said drawbridge, and then promptly to lower said ball; and if such person shall neglect to raise and lower said ball in manner aforesaid, he shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same.

Ball to be raised on the approach of railway trains.

Penalty for neglect to raise and lower ball.

2. *And be it enacted*, That if any person or persons having the command of any vessel about to pass through any drawbridge comprised within the provisions of the first section of this act, shall, while the ball mentioned in the said first section is raised as aforesaid, cause or permit such vessel to pass the distance post aforesaid, erected on that side of such drawbridge toward which such vessel is approaching, he or they so offending shall, for each and every such offence, forfeit and pay the sum of one hundred dollars, besides being liable for all damage that may be done to said bridge, or the owner or owners thereof, or to any railway train thereon, by reason of such offence, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person or persons who shall sue for the same.

Penalty for any person commanding vessel passing the distance posts when the ball is raised.

Liable for damages done to bridge, train, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount ap-
propriated.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer au-
thorized to pay
appropriation.

2. And be it enacted, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act.

3. And be it enacted, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVIII.

An Act for the relief of soldiers, sailors and their widows of this state, in the war of one thousand eight hundred and twelve.

Preamble.

WHEREAS, The legislature of the state of New Jersey did order to be paid to the soldiers and sailors who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors, the sum of one hundred dollars, in equal semi-annual payments during their lifetime, from and after the twelfth day of March, one thousand eight hundred and seventy-four; and, whereas, the congress of the United States did pass an act giving said soldiers and sailors and the widows of any such soldiers and sailors a pension from and after the ninth day of March, one thousand eight hundred and seventy-eight; and, whereas, there are a few soldiers and sailors and widows of such soldiers and sailors of the war of one thousand eight hundred and twelve, who, through not knowing of the passage of the said act of March twelfth, one thousand eight hundred and seventy-four, have not received any pension of the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid to all soldiers and sailors and the widows of any such soldiers and sailors of the war of one thousand eight hundred and twelve for each year, to commence from the twelfth day of March, one thousand eight hundred and seventy-four, to the ninth day of March, one thousand eight hundred and seventy-eight; *provided*, that nothing in this act shall allow any soldier, sailor or their widow to receive any benefit therefrom who have received pension already under the act of March twelfth, one thousand eight hundred and seventy-four, or any supplement thereto. Pension to soldiers and sailors, and widows of soldiers and sailors of the war of 1812.

Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately. Repealer.

Approved March 15, 1881.

CHAPTER XCIX.

A Supplement to the act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, and re-enacted in sections one hundred and sixty and one hundred and sixty-one of the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company having constructed a portion of its railroad to suspend the operation of such portion during such time or times as in the judgment of its board of directors may be requisite to complete its railroad or to reconstruct the same, or to alter the grade or grades of its railroad already built; anything in the act to which this is a supplement, or in any other law to the contrary notwithstanding. Railroad companies having constructed a portion of road, may suspend such portion or alter the grade or grades of road already built.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER C.

A Supplement to an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine.

Section to be amended re-cited.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

Justice of supreme court to cause summary investigation to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in

such manner as he may deem proper ; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt ; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditure may have been investigated.

Penalty for refusal or failure to obey order of court.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CI.

An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars be and the same is hereby appropriated for the support and maintenance of the state reform school, and the sum of five thousand dollars for construction of farm buildings.

2. *And be it enacted*, That the treasurer is hereby authorized to pay this amount to the trustees of the state reform school for boys, on the warrant of the comptroller.

Treasurer authorized to pay appropriation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CII.

A Supplement to the act entitled "An act for the formation of borough governments," approved April fifth one thousand eight hundred and seventy-eight.

Section to be amended recited.

Election for mayor and councilmen to be held annually.

Term of office.

Council authorized to cause to be assessed and raised by tax sum of money to meet current expenses.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act be and the same is hereby amended so as to read as follows :

4. *And be it enacted*, That on the first Tuesday of October next, after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, and on the second Tuesday of March annually thereafter, the legal voters of said borough shall assemble at some convenient place in said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors, to conduct an election for a mayor and six councilmen, being residents and legal voters in said borough, who shall constitute the council of said borough ; at the first election two councilmen shall be elected for one year, two for two years and two for three years, and two councilmen shall be elected annually thereafter to serve for three years ; the mayor shall hold his office for one year.

2. *And be it enacted*, That it shall and may be lawful for the council of every borough organized and formed under the act to which this is a supplement, to order, and cause to be assessed and raised by tax every year, such sum or sums of money, not exceeding fifteen hundred dollars in any one year, as they shall deem expedient for the current expenses of such borough, which sum so designated being certified to by the mayor and clerk, shall be assessed and collected the same as provided for and directed in the act to which this is a supplement.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CIII.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been, or shall hereafter be issued for the collection of taxes in any incorporated town of the state, and the officer receiving the same has neglected or failed to execute or return the same, or to collect any part of the taxes thereby directed to be collected within the time now limited by law, the justice of the peace who issued the said warrant, or in case of his death or disability, or the expiration of his term of office, then any other justice of the peace of the said county shall, at the request of the common council of the said town, issue alias or pluries warrants for the collection of such taxes as shall remain uncollected under the previous warrant, which said alias or pluries warrants shall be good and effective for that purpose, and shall be executed and returned within sixty days from the date of issuing the same in the manner provided for the return of original warrants in said incorporated towns, and shall be directed and delivered to the collector of said town, or to such person, as the said common council may appoint for that purpose; *provided*, that in case of the appointment of any person other than the collector, he shall be required before receiving the said warrant, to give a bond with such security as the common council may direct and approve of; and the said collector or other person so appointed shall, in the execution of the said alias or pluries warrants, have the same powers and perform the same duties, and be subject to the same liabilities and forfeitures, and receive the same compensation as is now provided in relation to the collectors of the several incorporated towns, in the execution of warrants for the collection of taxes.

Justice of the peace to issue alias or pluries warrants for collection of taxes.

Warrants to be executed and returned within sixty days.

Proviso.

moneys hereby appropriated shall be drawn from the treasury of the state before the first day of January, anno domini eighteen hundred and eighty-three.

Commission to
make report to
the governor.

5. *And be it enacted*, That after the said monument shall be completed and unveiled, and the grounds properly graded, fenced, and improved, the commission aforesaid shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument and grounds shall devolve upon and be vested in the "Monmouth Battle Monument Association of the State of New Jersey.

Association to
reserve a cer-
tain amount of
money and
place the same
at interest.

6. *And be it enacted*, That said association shall, out of the moneys in the hands of its treasurer, reserve the sum of two thousand dollars and place the same at interest, the interest to be collected semi-annually, which interest moneys, or so much thereof as shall be necessary, shall be used to keep the grounds and fences of said "Monument Park" in order and to care for the monument.

Monument
grounds to be
kept open for
the use of the
public.

7. *And be it enacted*, That said monument grounds shall always be open, so that all persons may have access thereto without charge, under proper rules and regulations enacted by said association, which shall not be inconsistent with the laws of this state or of the United States.

8. *And be it enacted*, That this act shall take effect immediately.

Passed March 14, 1881.

CHAPTER XCIV.

Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, anno domini one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any borough incorporated under the act to which this is a supplement, when the number of legal voters within the boundaries of said corporation does not exceed one hundred and fifty, may, at any election hereafter being had, decide by a majority of votes cast, whether or not said borough incorporation shall be continued or set aside.

Legal voters may decide, by election, whether borough incorporation shall be continued or not.

2. *And be it enacted*, That it shall be the duty of the freeholders of the township wherein said borough exists, to appoint a time and place for such an election upon the application of ten freeholders residing within the limits of such borough incorporation, by setting up a notice of such election in three public places within said borough, at least ten days previous to said election; *provided*, this act shall not apply or be construed to apply to any borough in this state which has entered into any contract or is liable for any expenditure or indebtedness of any kind.

Freeholders of borough to appoint a time and place for election.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCV.

An Act to provide for the substitution of bonds and mortgages upon school district property for certain unmatured bonds of school districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of any school district in this state, the trustees of which have heretofore, pursuant to any law of this state, made, executed and delivered school district bonds conditioned for the payment of any specified rate of interest, and further conditioned for the payment of all taxes which may be levied, assessed or imposed on the money mentioned in and intended to be secured by said bonds, may, with the consent of the holder or holders of said bonds, substitute therefor the bonds and mortgages of the school district.

Trustees of school districts may substitute bonds and mortgages of the school district for bonds issued with the consent of the holders thereof.

Trustees to execute and deliver the bonds and mortgages.

2. *And be it enacted*, That the bonds and mortgages provided for by the first section of this act shall be made, executed and delivered by the trustees of the said school district to the holders of the bonds heretofore issued as aforesaid, that they shall be in the same amounts, payable at the same times, and shall bear the same rate of interest as the bonds for which they are substituted.

Mortgages to be a lien upon the real estate.

3. *And be it enacted*, That the said mortgages shall cover and be a lien upon such real estate of the school district as the trustees thereof and the holders of said bonds may agree upon; *provided, however*, that the bonds and mortgages to be issued by any school district in this state, under the provisions of this act, shall not exceed in the aggregate the sum of ten thousand dollars.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVI.

A Further Supplement to an act entitled "An act for the protection of bridges in this state" [Revision], passed February twenty-seventh, one thousand eight hundred and thirty-three.

Owner or owners of drawbridges erected across navigable waters may erect on both sides thereof distance posts, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owner or owners of any bridge erected and maintained across any navigable waters within this state, under the provisions of any law thereof, to erect and maintain in such waters, on both sides of the drawbridges of such bridges, a substantial and conspicuous distance post, at the distance of five hundred yards from said drawbridge, in such position as to cause the least practicable obstruction to the navigation of such waters, and to erect upon such drawbridge a pole, not less than thirty feet in height, to the top of which a ball, not

less than two feet in diameter, may be raised; and it shall be the duty of the person having special care of such draw-bridge, to raise said ball to the top of said pole whenever any railway passenger train about to cross said drawbridge shall have arrived within the distance of one mile from said draw-bridge, and to keep the said ball so raised until such train shall have passed over said drawbridge, and then promptly to lower said ball; and if such person shall neglect to raise and lower said ball in manner aforesaid, he shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same.

Ball to be raised on the approach of railway trains.

Penalty for neglect to raise and lower ball.

2. *And be it enacted*, That if any person or persons having the command of any vessel about to pass through any draw-bridge comprised within the provisions of the first section of this act, shall, while the ball mentioned in the said first section is raised as aforesaid, cause or permit such vessel to pass the distance post aforesaid, erected on that side of such draw-bridge toward which such vessel is approaching, he or they so offending shall, for each and every such offence, forfeit and pay the sum of one hundred dollars, besides being liable for all damage that may be done to said bridge, or the owner or owners thereof, or to any railway train thereon, by reason of such offence, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person or persons who shall sue for the same.

Penalty for any person commanding vessel passing the distance post when the ball is raised.

Liable for damages done to bridge, train, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount ap-
propriated.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer au-
thorized to pay
appropriation.

2. And be it enacted, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act.

3. And be it enacted, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER XCVIII.

An Act for the relief of soldiers, sailors and their widows of this state, in the war of one thousand eight hundred and twelve.

Preamble.

WHEREAS, The legislature of the state of New Jersey did order to be paid to the soldiers and sailors who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors, the sum of one hundred dollars, in equal semi-annual payments during their lifetime, from and after the twelfth day of March, one thousand eight hundred and seventy-four; and, whereas, the congress of the United States did pass an act giving said soldiers and sailors and the widows of any such soldiers and sailors a pension from and after the ninth day of March, one thousand eight hundred and seventy-eight; and, whereas, there are a few soldiers and sailors and widows of such soldiers and sailors of the war of one thousand eight hundred and twelve, who, through not knowing of the passage of the said act of March twelfth, one thousand eight hundred and seventy-four, have not received any pension of the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars ^{Pension to soldiers and sailors, and widows of soldiers and sailors of the war of 1812.} be paid to all soldiers and sailors and the widows of any such soldiers and sailors of the war of one thousand eight hundred and twelve for each year, to commence from the twelfth day of March, one thousand eight hundred and seventy-four, to the ninth day of March, one thousand eight hundred and seventy eight; *provided*, that nothing in this act shall allow any soldier, sailor or their widow to receive any benefit therefrom ^{Proviso.} who have received pension already under the act of March twelfth, one thousand eight hundred and seventy-four, or any supplement thereto.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, ^{Repealer.} and that this act shall be deemed a public act and take effect immediately.

Approved March 15, 1881.

CHAPTER XCIX.

A Supplement to the act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, and re-enacted in sections one hundred and sixty and one hundred and sixty-one of the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company having constructed a portion of its railroad to suspend the operation of such portion during such time or times as in the judgment of its board of directors may be requisite to complete its railroad or to reconstruct the same, or to alter the grade or grades of its railroad already built; anything in the act to which this is a supplement, or in any other law to the contrary notwithstanding. ^{Railroad companies having constructed a portion of road, may suspend such portion or alter the grade or grades of road already built.}

CHAPTER CXXVII.

A Further Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five."

Certificate of
agents of life
insurance com-
panies not to
exceed two dol-
lars

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no insurance company of another state or nation, transacting business in this state, issuing policies of life insurance upon which the premiums shall by the terms thereof be payable weekly, shall be required to pay any other charge for agents appointed by or acting for them in the business connected with the application for and the issuance of such policies and the collection of the said weekly premiums, than the sum of two dollars for each certificate of authority to such agents; *provided*, that nothing herein contained shall alter or repeal the reciprocal provisions of the act to which this is a supplement and the supplements thereto.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 21, 1881.

CHAPTER CXXVIII.

An Act to authorize certain townships of this state to issue bonds.

Township'
committees au-
thorized to
issue new
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the bonds of any township of this state shall have been heretofore issued

such manner as he may deem proper ; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt ; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditure may have been investigated. Penalty for refusal or failure to obey order of court. Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CI.

An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars be and the same is hereby appropriated for the support and maintenance of the state reform school, and the sum of five thousand dollars for construction of farm buildings. Appropriation.

2. *And be it enacted*, That the treasurer is hereby authorized to pay this amount to the trustees of the state reform school for boys, on the warrant of the comptroller. Treasurer authorized to pay appropriation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CII.

A Supplement to the act entitled "An act for the formation of borough governments," approved April fifth one thousand eight hundred and seventy-eight.

Section to be amended recited.

Election for mayor and councilmen to be held annually.

Term of office.

Council authorized to cause to be assessed and raised by tax sum of money to meet current expenses.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act be and the same is hereby amended so as to read as follows:

4. *And be it enacted*, That on the first Tuesday of October next, after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, and on the second Tuesday of March annually thereafter, the legal voters of said borough shall assemble at some convenient place in said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors, to conduct an election for a mayor and six councilmen, being residents and legal voters in said borough, who shall constitute the council of said borough; at the first election two councilmen shall be elected for one year, two for two years and two for three years, and two councilmen shall be elected annually thereafter to serve for three years; the mayor shall hold his office for one year.

2. *And be it enacted*, That it shall and may be lawful for the council of every borough organized and formed under the act to which this is a supplement, to order, and cause to be assessed and raised by tax every year, such sum or sums of money, not exceeding fifteen hundred dollars in any one year, as they shall deem expedient for the current expenses of such borough, which sum so designated being certified to by the mayor and clerk, shall be assessed and collected the same as provided for and directed in the act to which this is a supplement.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CIII.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a tax warrant has been, or shall hereafter be issued for the collection of taxes in any incorporated town of the state, and the officer receiving the same has neglected or failed to execute or return the same, or to collect any part of the taxes thereby directed to be collected within the time now limited by law, the justice of the peace who issued the said warrant, or in case of his death or disability, or the expiration of his term of office, then any other justice of the peace of the said county shall, at the request of the common council of the said town, issue alias or pluries warrants for the collection of such taxes as shall remain uncollected under the previous warrant, which said alias or pluries warrants shall be good and effective for that purpose, and shall be executed and returned within sixty days from the date of issuing the same in the manner provided for the return of original warrants in said incorporated towns, and shall be directed and delivered to the collector of said town, or to such person, as the said common council may appoint for that purpose; *provided*, that in case of the appointment of any person other than the collector, he shall be required before receiving the said warrant, to give a bond with such security as the common council may direct and approve of; and the said collector or other person so appointed shall, in the execution of the said alias or pluries warrants, have the same powers and perform the same duties, and be subject to the same liabilities and forfeitures, and receive the same compensation as is now provided in relation to the collectors of the several incorporated towns, in the execution of warrants for the collection of taxes.

Justice of the peace to issue alias or pluries warrants for collection of taxes.

Warrants to be executed and returned within sixty days.

Proviso.

line of Bank street to the centre line of High street thence along the centre line of High street to the centre line of Warren street; thence along the centre line of Warren street to the centre line of Norfolk street; thence along the centre line of Norfolk street to the place of beginning, being the territory now known as the first election district of the seventh ward of the city of Newark;

Seventh district.

The seventh district to be composed of the sixth ward of the city of Newark, and so much of the seventh ward of the city of Newark as lies within the following boundaries, to wit: Beginning at the intersection of the centre lines of Norfolk and Bank streets; thence through the centre of Norfolk street to Warren street; thence through the centre of Warren street to High street; thence through the centre of High street to Central avenue; thence along the division line between the seventh and fifteenth wards to the boundary line of the eleventh ward in the centre of Morris avenue; thence along the centre of Morris avenue and the division line between the seventh and eleventh wards to the middle of Bank street; thence through the middle of Bank street, on the division line between the seventh and sixth wards to the place of beginning, being the territory now known as the second and third election districts of the seventh ward of the city of Newark;

Eighth district.

The eighth district to be composed of the thirteenth ward of the city of Newark;

Ninth district.

The ninth district to be composed of the ninth and tenth wards of the city of Newark;

Tenth district.

The tenth district to be composed of the fifth and twelfth wards of the city of Newark.

Gloucester.

8. *And be it enacted*, That the county of Gloucester shall constitute one assembly district.

Hudson.

9. *And be it enacted*, That the county of Hudson shall constitute ten districts;

First district.

The first district, beginning at the centre of the Hudson river where it is intersected by the continuation of the centre line of Sussex street in Jersey city; thence westerly along the said centre line of Sussex street to where the same intersects the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to where it is intersected by the centre line of Grove street; thence northerly along the centre line of Grove street to the centre line of Bright street; thence westerly along the centre line of Bright street to the

centre line of Varick street; thence northerly along the centre line of Varick street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Jersey avenue; thence northerly along the centre line of Jersey avenue to the centre line of Newark avenue; thence easterly along the centre of Newark avenue to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Pearl street; thence easterly along the centre line of Pearl street to the centre line of the Hudson river; thence southerly along the centre of the Hudson river to the place of beginning;

The second district, beginning at the centre of the Hudson Second district. river, where it is intersected by the centre line of said Sussex street continued; thence westerly along said centre line of Sussex street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Grove street; thence northerly along the centre line of Grove street to the centre line of Brightstreet; thence westerly along the centre line of Bright street to the centre line of Varick street; thence northerly along the centre lines of Varick street and Coles street to the centre line of First street; thence westerly along the centre line of First street to the centre line of Monmouth street; thence northerly along the centre line of Monmouth street to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southwesterly along the centre line of Waldo avenue to the centre line of Academy street; thence easterly along the centre line of Academy street to the centre line of Cornelison avenue; thence southerly along the centre line of Cornelison avenue to the centre line of Summit avenue; thence southerly along the centre line of Summit avenue to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Maple street; thence southeasterly along the centre line of Maple street [to] the centre line of Halladay street; thence northeasterly along the centre line of Halladay street to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Whiton street; thence southwesterly along the centre line of

Whiton street to the centre line of Johnston avenue; thence southeasterly and easterly along the centre line of Johnston avenue to the centre line of Jersey avenue; thence southerly along the centre line of Jersey avenue extended, to the centre line of Communipaw avenue extended; thence southeasterly along the centre line of Communipaw avenue extended, to the centre of the Hudson river; thence north along the centre of the Hudson river to the place of beginning;

Third district.

The third district beginning at the intersection of the centre lines of Newark avenue and Grove street, in Jersey City; thence running northerly along the centre line of Grove street to the centre line of First street; thence easterly along the centre line of First street to the centre line of Henderson street; thence northerly along the centre line of Henderson street to the centre line of Sixth street; thence westerly along the centre line of Sixth street to the centre line of Grove street; thence northerly along the centre line of Grove street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue to the centre line of Erie street; thence northerly along the centre line of Erie street to the centre line of Ninth street; thence westerly along the centre line of Ninth street to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence southeasterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of First street; thence easterly along the centre line of First street to the centre line of Coles street; thence southerly along the centre line of Coles street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Jersey avenue; thence northerly along the centre line of Jersey avenue to the centre line of Newark avenue; thence southeasterly along the centre line of Newark avenue to the place of beginning.

Fourth district.

The fourth district beginning at the intersection of the centre lines of Pen Horn creek and Manhattan avenue in Jersey City; and running thence easterly along the centre line of Manhattan avenue to the centre line of Central avenue; thence southerly along the centre line of Central avenue to the centre line of Jefferson avenue; thence easterly along the centre line of Jefferson avenue to where that line extended would

strike the central line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the westerly boundary line of the city of Hoboken; thence northerly, northeasterly, westerly and southerly along the several boundary lines of the city of Jersey City, to the place of beginning;

The fifth district beginning at the point where the centre line of Newark avenue intersects the westerly boundary line of Jersey City; thence easterly along the centre line of Newark avenue to the intersection of the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the centre line of Palisade avenue; thence southwesterly along the centre line of Palisade avenue to the centre line of Newark avenue; thence southerly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southwesterly along the centre line of Waldo avenue to the centre line of Academy street; thence easterly along the centre line of Academy street to the centre line of Cornelison avenue; thence southerly along the centre line of Cornelison avenue to the centre line of Summit avenue; thence southerly along the centre line of Summit avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to its intersection with the westerly boundary line of Jersey City; thence northerly along said westerly boundary line to the place of beginning;

The sixth district, beginning at the easterly boundary line of Jersey City, where it is intersected by the centre line of Communipaw avenue continued; then running northwesterly along the centre line of Communipaw avenue to the centre line of Jersey avenue continued; thence northeasterly along the centre line of Jersey avenue to the centre line of Johnston avenue; thence westerly and northwesterly along the centre line of Johnston avenue to the centre line of Whiton street; thence northeasterly along the centre line of Whiton street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Halladay street; thence southwesterly along the centre line of Halladay street to the centre line of Maple street; thence northwesterly along the centre line of Maple street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence northwesterly along the centre line of Communipaw avenue

to the westerly boundary line of Jersey City ; thence southerly along said westerly boundary line to the southerly boundary line of said city ; thence along said southerly boundary line to the easterly boundary line of said city ; thence along said easterly boundary line to the place of beginning ; and, also, so much of said county of Hudson as is comprised within the limits of the city of Bayonne ;

Seventh district.

The seventh district, beginning at the centre of the Hudson river, where it is intersected by the continuation of the centre line of Pearl street in Jersey City ; thence westerly along said centre line of Pearl street to the centre line of Railroad avenue ; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue ; thence westerly along the centre line of Newark avenue to the centre line of Grove street ; thence northerly along the centre line of Grove street to the centre line of First street ; thence easterly along the centre line of First street to the centre line of Henderson street ; thence northerly along the centre line of Henderson street to the centre line of Sixth street ; thence westerly along the centre line of Sixth street to the centre line of Grove street ; thence northerly along the centre line of Grove street to the centre line of Pavonia avenue ; thence westerly along the centre line of Pavonia avenue to the centre line of Erie street ; thence northerly along the centre line of Erie street to the centre line of Ninth street ; thence westerly along the centre line of Ninth street to the centre line of Jersey avenue ; thence northerly along the centre line of Jersey avenue to the centre line of Hoboken avenue ; thence easterly along the centre line of Hoboken avenue to the intersection of the centre line of Hoboken avenue with the southwesterly boundary line of Hoboken ; thence northerly and northeasterly along the westerly boundary line of the city of Hoboken, to the centre line of Seventh street in the city of Hoboken ; thence easterly along the centre line of said Seventh street to a point in said centre line equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of said Seventh street ; thence southwesterly and in a straight line midway between Park avenue and Garden street to a point in the centre line of Ferry street, equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of Ferry street ; thence easterly along the centre line of Ferry street to where the continuation of the same would intersect the

centre line of the Hudson river; thence southerly along the centre line of said river to the place of beginning;

The eighth district beginning at the intersection in Jersey City of the centre lines of Ninth street and Jersey avenue; and running thence westerly along the centre line of Ninth street to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northeasterly along the centre line of Palisade avenue to the centre line of Hoboken avenue; thence westerly along the centre line of Hoboken avenue to the centre line of Newark avenue; thence westerly along the centre line of Newark avenue to the westerly boundary of Jersey City; thence northerly along said boundary line to its intersection with the centre line of Manhattan avenue; thence easterly along the centre line of Manhattan avenue to the centre line of Central avenue; thence southerly along the centre line of Central avenue to the centre line of Jefferson avenue; thence easterly along the centre line of Jefferson avenue to where the same extended, would strike the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the centre line of Jersey avenue; thence southerly along the centre line of Jersey avenue to the place of beginning; and also so much of said county of Hudson as is now comprised within the limits of Kearny township and the town of Harrison;

The ninth district, beginning at a point in the centre of the Hudson river, where it is intersected by the continuation of the centre line of Ferry street of Hoboken; thence westerly along the said centre line of Ferry street to a point in the centre line of said street equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of Ferry street; and thence northeasterly, and in a straight line, midway between Park avenue and Garden street, to a point in the centre line of Seventh street, equi-distant from the intersections of the easterly line of Park avenue and the westerly line of Garden street with the centre line of Seventh street; thence westerly along the centre line of Seventh street to its intersection with the westerly boundary line of the city of Hoboken; thence northerly along the said westerly boundary to the northerly boundary line of said city; thence along the said northerly

boundary line to the easterly boundary line of said city; thence along said easterly boundary line to the place of beginning;

- Tenth district.** The tenth district shall comprise all that part of the county of Hudson now included within the limits of the townships of Weehawken, North Bergen and Union, and the towns of West Hoboken, Guttenberg and Union.
- Hunterdon.** 10. *And be it enacted,* That the county of Hunterdon shall constitute two assembly districts:
- First district.** The first district to be composed of the townships of West Amwell, East Amwell, Delaware, Kingwood and Raritan, and the borough of Frenchtown, and the first, second and third wards of the city of Lambertville;
- Second district.** The second district to be composed of the townships of Alexandria, Holland, Bethlehem, Lebanon, Tewksbury, High Bridge, Union, Clinton, Readington and Franklin, and Clinton borough.
- Mercer.** 11. *And be it enacted,* That the county of Mercer shall constitute three districts:
- First district.** The first district to be composed of the townships of Ewing, Hopewell, Lawrence, Princeton, West Windsor, East Windsor, Hamilton and Washington;
- Second district.** The second district to be composed of the first, second, fifth, and seventh wards of the city of Trenton;
- Third district.** The third district to be composed of the third, fourth and sixth wards of the city of Trenton and the borough of Chambersburg.
- Middlesex.** 12. *And be it enacted,* That the county of Middlesex shall constitute three districts:
- First district.** The first district to be composed of the townships of Raritan and Piscataway, Woodbridge and the city of Perth Amboy;
- Second district.** The second district to be composed of the first, third and sixth wards of the city of New Brunswick, and the townships of East Brunswick, Madison, Sayreville and South Amboy;
- Third district.** The third district to be composed of the second, fourth and fifth wards of the city of New Brunswick, and the townships of North Brunswick, South Brunswick, Cranbury and Monroe.
- Monmouth.** 13. *And be it enacted,* That the county of Monmouth shall constitute three districts:
- First district.** The first district to be composed of the townships [of] Upper Freehold, Millstone, Manalapan, Freehold and Howell;

The second district to be composed of the townships of ^{Second district.} Marlboro, Neptune, Atlantic, Ocean, Matawan, Wall and Holmdel;

The third district to be composed of the townships of ^{Third district.} Shrewsbury, Middletown, Raritan and Eatontown.

14. *And be it enacted*, That the county of Morris shall ^{Morris.} constitute three districts:

The first district to be composed of the townships of Chat- ^{First district.} ham, Hanover, Morris and Montville;

The second district to be composed of the townships of ^{Second district.} Boonton, Jefferson, Pequannock, Rockaway, Mount Olive and Roxbury;

The third district to be composed of the townships of Ches- ^{Third district.} ter, Mendham, Passaic, Randolph and Washington.

15. *And be it enacted*, That the county of Ocean shall ^{Ocean.} constitute one assembly district, to be composed of the several townships therein.

16. *And be it enacted*, That the county of Passaic shall ^{Passaic.} constitute four districts:

The first district to be composed of the townships of West ^{First district.} Milford, Pompton, Wayne, Manchester and Little Falls, and the first ward of the city of Paterson;

The second district to be composed of the second, third and ^{Second district.} sixth wards of the city of Paterson;

The third district to be composed of the fourth and fifth ^{Third district.} wards of the city of Paterson, and the township of Acquack-anock and the city of Passaic;

The fourth district to be composed of the seventh and eighth ^{Fourth district.} wards of the city of Paterson.

17. *And be it enacted*, That the county of Salem shall con- ^{Salem.} stitute one assembly district.

18. *And be it enacted*, That the county of Somerset shall ^{Somerset.} constitute one assembly district.

19. *And be it enacted*, That the county of Sussex shall con- ^{Sussex.} stitute one assembly district.

20. *And be it enacted*, That the county of Union shall con- ^{Union.} stitute three assembly districts:

The first district to be composed of the first, second, third ^{First district.} fourth and eighth wards of the city of Elizabeth;

The second district to be composed of the fifth, sixth and ^{Second district.} seventh wards of the city of Elizabeth and the townships of Cranford, Linden, Springfield, Union, New Providence and Summit;

- Third district.** The third district to be composed of the first, second, third and fourth wards of the city of Rahway, and the townships of Clark, Fanwood, Westfield, and the city of Plainfield.
- Warren.** 21. *And be it enacted,* That the county of Warren shall constitute two assembly districts :
- First district.** The first district to be composed of the townships of Greenwich, Franklin, Washington, Mansfield, Independence, Allamuchy, Frelinghuysen and the second voting precinct of Oxford township and the boroughs of Hackettstown and Washington ;
- Second district.** The second district to be composed of the townships of Pahaquarry, Hardwick, Blairstown, Knowlton, Hope, Harmony, Lopatcong, and the first voting district in the township of Oxford, and the borough of Belvidere, and the first, second, third and fourth wards of the town of Phillipsburg.
- Passed March 21, 1881.

CHAPTER CXXX.

A Supplement to the act entitled "An act concerning cities in this state," approved March sixteenth, one thousand eight hundred and eighty-one.

- No motion, resolution or order concerning the issuing of bonds or control and supply of water, &c., shall require the concurrence of board of finance and taxation.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That no motion, resolution or order concerning the issuing of bonds, or the control, management and cognizance of the structures and property connected with the supply and distribution of water, or the supplying, sale and use of water in any city in this state, shall require the concurrence of any board of finance and taxation, or other board having control of the fiscal department of said city, in any city where there exists a board, or commissioners, created for the sole purpose of managing and operating water works.
- Repealer.** 2. *And be it enacted,* That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this shall be a public act, and take effect immediately.
- Approved March 21, 1881.

CHAPTER CXXXI.

Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and twenty-seven of the act to which this is amendatory be and the same is hereby amended to read and be in the following words, to wit :

127. *And be it enacted*, That whosoever shall unlawfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, or fined not exceeding one hundred dollars.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 21, 1881.

CHAPTER CXXXII.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

Section .
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of a supplement to an act to incorporate the chosen freeholders of this state, approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows :

Chosen free-
holders to sub-
scribe an offi-
cial oath.

3. *And be it enacted*, That each of the members of the board of chosen freeholders of the several counties of this state shall, before they enter upon the duties of their office, subscribe an official oath to faithfully, impartially and justly perform all the duties of their office to the best of their understanding and ability ; which oath shall be taken before the presiding judge of the court of common pleas in said county, or the director or clerk of the former board, and filed in the office of the county clerk.

Oath to be filed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1881.

CHAPTER CXXXIII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Rents, issues,
&c., of ceme-
tery companies
may be taken
and seques-
tered and ap-
plied to pay-
ment of judg-
ments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rents, issues, profits, income and revenues derived from any and all lands lying within the bounds of any cemetery or burying ground belonging to, or used by, or held in trust for, any incorporated cemetery company in this state, may be taken and sequestered under and by virtue of the orders and decrees of the court of chancery of this state, according to the rules and practice of that court, and applied by said court of chancery to the payment of any judgment recovered in any of the courts of this state against such cemetery company owning or using said lands ; and that

for that purpose the said court of chancery may, if necessary, appoint a receiver or receivers of the said rents, issues, profits, income and revenues, (and take such order regarding the same as may be just and equitable,) but nothing in this act contained shall make the said lands liable to be seized, taken or sold, by virtue of any judgment, decree, order, execution or other process made or rendered by, or issued out of, any court in this state. Court of chancery may appoint receiver.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 21, 1881.

CHAPTER CXXXIV.

An Act concerning commissioners of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated city of this state where the time for the annual meeting of the commissioners of appeal in case of taxation is now provided for by charter, the city council of such city shall have power to change, by ordinance, the time of meeting of said board to such date as they may deem proper. Time of meeting of commissioners of appeal may be changed by ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXXXV.

An Act relating to local boards of health.

Local boards of health may expend certain amount.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all township or local boards of health in this state, organized under the provisions of an act passed March eleventh, one thousand eight hundred and eighty, entitled "An act concerning the protection of the public health, and the record of vital facts and statistics relating thereto," may expend, for the purposes for which said boards are authorized, to the amount of fifty dollars as actual expenditure, not including any payment to members for attendance at the meetings of said boards, and the same shall be payable in the same manner as other bills presented to the collector, treasurer or other disbursing officer of the township, town or precinct; and in case any additional sum is, in the judgment of such board, needed to be expended in any township, town or precinct, the need thereof shall be presented to the township committee, common council or other governing board, and they shall have authority to appropriate such an amount, or pay such bills, as they may deem necessary for the purposes indicated in the act aforesaid.

Additional sum may be appropriated and expended.

Boards of health now organized may organize their boards under the provisions of a certain act.

2. *And be it enacted*, That any boards of health now organized in any of the cities of this state, under the provisions of their respective charters, as well as those which are only health committees, may, by the order and direction of the mayor and common council of said cities, organize their boards in accord with the provisions of the act aforesaid, and shall, in common with the boards of health of the several townships, towns or boroughs of this state, have power to make and enforce such ordinances as the care of the public health demands.

Approved March 22, 1881.

• CHAPTER CXXXVI.

A. Further Supplement to an act entitled "An act to amend the law relative to the property of married women," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman whose husband's real estate, or any part thereof, may have been or shall be sold and conveyed under or by virtue of any judgment or decree, or by virtue of any deed, release or assignment executed by the husband in which the wife has not or shall not join in the execution thereof, may, without her husband joining with her in the execution thereof, execute and deliver a release of such real estate, so sold, from her inchoate right of dower therein, and thereby discharge such real estate, so sold, from such inchoate right of dower, as effectually as she might if her husband should join with her in the execution of such release.

Married woman may execute and release right of dower without consent of husband.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXXXVII.

An Act in relation to the arrears of taxes in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in any of the cities of this state taxes shall remain unpaid for the period of one year after the same shall become due and payable, said taxes may be

Taxes unpaid for one year may be paid in bonds issued in anticipation of taxes.

Proviso.

paid in any of the municipal bonds of said city which may have been issued in anticipation of taxes; *provided*, that the bonds issued by any city in anticipation of the collection of the amount of unpaid taxes for which the city had purchased real estate at the sale for said unpaid taxes, shall only be received by any city in lieu of money payments for the taxes so purchased by any city and in anticipation of which said bonds had been issued.

Bonds to be received at their face or par value.

2. *And be it enacted*, That such bonds shall be received by said city, in lieu of money payments, for said taxes at the par or face value, with the interest accrued thereon.

3. *And be it enacted*, That this shall be deemed to be a public act and shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXXXVIII.

Supplement to an act entitled "An act to protect the honey industry," approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act to protect the honey industry," approved March fourteenth, one thousand eight hundred and seventy-nine, shall be amended so as to read :

Penalty imposed and how sued for.

2. *And be it enacted*, That every person who shall knowingly sell, or offer to sell, or have in his or her possession, with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be branded, marked or labeled as therein stated, not so branded, marked or labeled, shall for each such offence forfeit and pay a penalty of thirty dollars upon the first suit, and fifty dollars upon the second and each subsequent suit, for such offence, to be recovered with costs in any of the courts of this state, in an action of debt to be prosecuted in

the name of the state of New Jersey, one-half of such penalty to be paid to the informer, and the residue shall be paid to the collector of the county in which such suit shall be brought, for the support of the poor of the county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXXXIX.

An Act to encourage the organization and regulate co-operative associations of workmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That seven or more persons, of lawful age, resident within this state, who shall hereafter associate themselves together by articles of association, in writing, for the purpose of carrying on any lawful mechanical, mining, manufacturing or trading business, or for the purpose of trading and dealing in goods, wares, merchandise or chattels, or for the purpose of buying, selling, holding, leasing or improving lands or tenements within this state, may become a corporation under a name indicating their corporate character assumed in their articles of association not previously adopted by any other corporation, upon their compliance with the provisions of this act. Purposes for which associations may be formed.

2. *And be it enacted*, That the articles of association shall designate and set forth: Articles to set forth.

First. The object, name and place of office of the association; Object, &c.

Second. The amount of its capital stock, and the number of shares into which the same is divided, and the amount actually paid in cash on account of said stock; Capital stock.

Third. The terms of admission of members; Admission of members.

Fourth. The mode of election of its directors, and other officers, and their respective powers and remuneration; Election of directors.

- Meetings.** Fifth. Mode of holding meetings and right of voting and of making and altering its articles of association ;
- Shares.** Sixth. Whether the shares, or any number of them, shall be transferable, and in case it be determined that the shares or any number thereof shall be transferable, provision for the transfer and registration of shares, and for the consent of the board of directors to the transfer ; and in case it be determined that the shares shall not be transferable provision for paying to members the balance due to them on withdrawing from the association ;
- Withdrawal of members.** Seventh. Whether and how members may withdraw from the association, and provision for the claims of executors, administrators or assigns of members, and for paying nominees in the case herein mentioned ;
- Whether capital may be invested.** Eighth. Whether, and by what authority, any part of capital may be invested in, or on the security of another association ; it is important that each co-operative store should become a member of, and hold a pecuniary interest in the wholesale store which will probably be in New York ; *provided*, that no such investment be authorized in any association not incorporated under this act ;
- Proviso.**
- Accounts.** Ninth. Provision for the audit of accounts ;
- Profits.** Tenth. Mode of application of profits ;
- Seal.** Eleventh. Provision for the custody, use and device of the seal of the association, which shall in all cases bear the incorporated name thereon.
- Articles of association to be acknowledged.** 3. *And be it enacted*, That the said articles of association shall be signed by the persons originally associating themselves together, and shall be acknowledged by at least seven of them, before a commissioner or other officer qualified to take the acknowledgment of deeds, and when so signed and acknowledged the same, together with a copy thereof, shall be forwarded to the chief of the bureau of statistics of labor and industries, who shall examine the same, and if the same shall be found to be in accordance with the provisions of this act he shall endorse or certify his approval thereon, and shall return the same to the persons so associating themselves, and shall place on file in his office the said copy of the said articles of association ; the same shall be recorded in the office for the recording of deeds in the county where such association is established and incorporated, and be subject to the provisions and entitled to the privileges of this act.
- Duties of chief of bureau of labor statistics.**
- Articles to be filed in his office.**
- Recorded in county clerk's office.**

4. *And be it enacted*, That such association may take hold and convey such real and personal estate as is necessary for the purpose of its organization, and may sue and be sued in its corporate name. Association may hold and convey real and personal estate.

5. *And be it enacted*, That the business of such association shall be managed and conducted by a board of not less than five directors, one of whom shall be president, and one shall be treasurer of the association, who shall be chosen annually by the stockholders, and shall hold their offices until their successors are duly qualified; the association shall have such other officers, agents and factors as may be necessary to carry on its business, and elect or appoint them in such manner as shall be prescribed in the articles of association. Business of association, by whom managed and conducted.

6. *And be it enacted*, That every association incorporated under this act shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and if any such association shall not paint or affix, and keep painted or affixed, its name in manner provided as aforesaid, it shall be liable to a penalty not exceeding twenty-five dollars, for not so painting or affixing its name, and for every day during which such name is not kept so painted or affixed. Name of association to be painted or affixed outside of office or place of business.

7. *And be it enacted*, That every association incorporated under this act shall keep a seal, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such association, and in all bills of exchange, promissory notes, endorsements, checks, and orders for money or goods purporting to be signed by or on behalf of such association, and in all bills of parcels, invoices, receipts and letters of credit of the association, and if any officer of such association, or any person on its behalf uses any seal purporting to be the seal of the association, whereon its name is not engraved as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such association, or signs or authorizes to be signed on behalf of such association, any bill of exchange, promissory note, endorsement, check, order for money or goods, or issues or authorizes to be issued, any bill of parcels, invoice, receipt, or letter of credit of the association, whereon its name is not mentioned in manner aforesaid, he shall be liable to a penalty of two hundred dollars, and shall Associations to have a seal and name affixed in official publications.

Penalty for using seal or invoices, &c., without name engraved or name mentioned thereon.

further be personally liable to the holder of any such bill of exchange, promissory note, check, or order or for money or goods, for the amount thereof, unless the same is duly paid by the association.

Associations shall have registered offices, where notices may be addressed, &c

8. *And be it enacted*, That every association incorporated under this act shall have a registered office, to which all communications and notices may be addressed, and notices in writing of the situation of such office, and if any change therein, shall be filed with the chief of the bureau of statistics of labor and industries, and shall be recorded in the office for the recording of deeds of the county where such office is situate, and if any such association shall carry on business without having such office, it shall incur a penalty not exceeding twenty-five dollars during every day in which business is so carried on, and until notice of such situation of the office, and of any change therein as aforesaid, shall be filed and recorded as aforesaid, the association shall not be deemed to have complied with the provisions of this act.

Penalty for doing business without office.

Capital stock limited to certain amount.

9. *And be it enacted*, That the capital stock of such association shall be limited to any sum not exceeding one million dollars, and shall be divided into shares, the par value of which shall not be more than fifty dollars, and no share shall be issued for less than its par value.

No members entitled to hold or claim interest exceeding a certain amount.

10. *And be it enacted*, That no member of any such association shall be entitled to hold or claim any interest therein exceeding the sum of one thousand dollars, nor shall any member upon any subject be entitled to more than one vote.

Shareholders not liable for debts of association.

11. *And be it enacted*, That no shareholder shall be individually liable for any debt of such association except as herein provided, and no certificate of shares shall be issued to any member until the shares shall be fully paid in cash.

Association may hold interest in other associations. Proviso.

12. *And be it enacted*, That any association incorporated under this act may hold in its corporate name any amount of interest in any other association so incorporated; *provided*, that such interest so held shall not exceed one-third in value authorized of the capital stock of the association so holding the same.

Board of directors to make annual statement of the condition of the association.

13. *And be it enacted*, That the board of directors shall annually make a statement, in writing, of the condition of the association, setting forth the amount of the capital stock, the number of shares issued and the par value thereof, the number of stockholders, together with the greatest number of

shares held by any one stockholder, the amount and character of the property of the association, and of its debts and liabilities, and said statement shall be signed and sworn to by a majority of the directors, including the treasurer, and the same shall be recorded in the office for the recording of deeds, in the proper county, and immediately thereafter a copy filed in the office of the chief of the bureau of statistics of labor and industries; the chief of the bureau of statistics of labor and industries shall, if he has reason to doubt the correctness and truth of the statement, or upon a written request of five stockholders of such association, either in person or deputy, immediately make an examination of the books and affairs of such association and render a correct statement to its stockholders, and every member or creditor of, or any depositor in any such association, shall be entitled to receive from the secretary or treasurer of such association a copy of such annual statement, without making any payment for the same; and every such association which shall not make such statement and file the same as aforesaid in the office of the bureau of statistics of labor and industries, and of the county as aforesaid, shall incur a penalty of not less than fifty dollars nor exceeding one hundred dollars for each such offence; and every person who makes, or orders to be made, any false statement or any omission in any such return, with intent to deceive the chief of the bureau of statistics of labor and industries, shall incur a penalty not exceeding five hundred dollars for each return so dealt with.

Statement to be filed and recorded.

Chief of bureau, upon request of five stockholders, to make examination of books and affairs and render a statement thereof.

Penalty if association fail to make and file statement.

14. *And be it enacted*, That any member or other person having an interest in the funds of any association incorporated under this act, may inspect the books and the names of the members, at all reasonable hours, at the office of the association.

Books open to inspection.

15. *And be it enacted*, That there shall be such distribution of the profits or earnings of such association, among the workmen, purchasers and stockholders, as shall be prescribed in the articles of association, at such time as therein prescribed, as often, at least, as once in twelve months; *provided*, that no distribution shall be declared and paid until a sum equal, at least, to five per centum of the net profits, shall be appropriated for a contingent or sinking fund, until there shall have accumulated a sum equal to thirty per centum in excess of such capital stock.

Distribution of the profits.

Provisc.

Member may, in writing, designate to whom his shares may be transferred upon his decease.

Proviso.

Proviso.

Dissolution of association, how made.

Proviso.

Association considered in existence until all matters are settled.

Members liable to contribute to assets of association to amount suffi-

16. *And be it enacted*, That a member of any such association may, by writing, under his hand delivered at the office of the association, appoint any person being the husband, wife, father, mother, child, brother, sister, nephew, or niece of such member to whom his or her shares in the association shall be transferred at his or her decease; *provided*, that the sum credited to the account of such member in the books of the association does not exceed the sum of two hundred and fifty dollars, and may from time to time revoke or vary any such nomination by a writing under his or her hand, and similarly delivered, and the secretary of every such association shall keep a book wherein the names of all persons so nominated shall be transferable to the nominee, although the articles of association declare its shares to be generally not transferable; *provided, nevertheless*, that the association may, in lieu of making such transfer, elect to pay to any nominee the full value of the shares comprised in the nomination to him or her, and shall pay him or her the full value of any such shares, which, if transferred into his or her name, would increase his or her interest in the association to an amount exceeding one thousand dollars.

17. *And be it enacted*, That any association, incorporated under this act, may be dissolved or wound up, either by the court of common pleas or voluntarily, in the manner and under the same circumstances under which and in which any other corporation may be dissolved or wound up under existing laws for winding up corporations; *provided, however*, that the court having jurisdiction in the winding up shall be the county court of the district in which the office of the association is situated.

18. *And be it enacted*, That in case of the dissolution of any such association, such association shall, nevertheless, be considered as existing, and be in all respects subject to the provision of this act, so long and so far as any matter relating to the same remain unsettled, to the intent that such association may do all things necessary to the winding up of the concerns thereof, and that it may be sued and sue under the provisions of this act in respect to all matters relating to such association.

19. *And be it enacted*, That in the event of an association incorporated under this act being dissolved, every present and past member of such association shall be liable to contribute

to the assets of the association to an amount sufficient for the payment of the debts and liabilities of the association, and the costs, charges and expenses of the winding up of the same and for the payment of such sums as may be required for the adjustment of the rights of the contributors amongst themselves with the qualifications following, that is to say :

First. No past member shall be liable to contribute to the assets of the association if he has ceased to be a member for a period of one year or upward, prior to the commencement of the winding up ;

Second. No past member shall be liable to contribute in respect of any debt or liability of the association contracted after the time at which he ceased to be a member ;

Third. No past member shall be liable to contribute to the assets of the association unless it appears to satisfy the contributions required to be made by them in order to satisfy all such demands upon such association ;

Fourth. No contribution shall be required from any member exceeding the amount, (if any), unpaid on the shares in respect of which he is liable as a past or present member.

20. *And be it enacted*, That the articles of association and all amendments thereto shall bind any association incorporated under this act, and the members thereof, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such articles of association or amendments thereto contained, a covenant on the part of himself, his heirs, executors and administrators, to conform to such articles of association and amendments thereto, subject to the provisions of this act, and all money payable by any member of the association, of such articles of association or amendments thereto, shall be deemed a debt due from such member to the association.

21. *And be it enacted*, That the words " co-operative association limited " shall be the last words of the name of every association incorporated under the provisions of this act.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

cient for pay-
ment of debts,
&c.

No past mem-
ber liable after
ceasing to be a
member a year.

No past mem-
ber liable to
contribute to
any debt con-
tracted after
ceasing to be a
member.

No past mem-
ber liable to
contribute un-
less to satisfy
demands.

No contribu-
tions required
exceeding
amount unpaid
on shares.

Articles of as-
sociation and
amendments
binding associ-
ation and mem-
bers, and
moneys paya-
ble by any
member,
deemed a debt.

Portion of
name to be
adopted.

CHAPTER CXL.

A Supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act above referred to be amended so as to read as follows :

Municipal au-
thorities to use
their discretion
fixing sums to
be assessed
upon vacant
lots, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city of this state, in which the municipal or other authorities own or manage water works, and are now empowered and compelled to annually fix a sum to be assessed upon vacant lots, and lots with buildings thereon, in which water is not taken, such authorities are hereby authorized to use their discretion in each year in fixing or omitting to fix such sums to be so assessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLI.

An Act to prevent the adulteration of milk and to regulate the sale of milk.

Persons selling
or offering for
sale skimmed
milk, to solder
a label or tag
upon can or
package.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall sell, or who shall offer or expose for sale, or who shall transport or carry, or who shall have in possession with intent to sell, or

offer for sale, any milk from which the cream, or any part thereof has been removed, shall distinctly, durably and permanently solder a label, tag or mark of metal in a conspicuous place upon the outside and not more than six inches from the top of every can, vessel or package containing such milk, and said metal label, tag or mark shall have the words "skimmed milk" stamped, engraved or indented thereon in letters not less than one inch in height, and such milk shall only be sold or shipped in or retailed out of a can, vessel or package so marked, and every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Penalty for violating this section.

2. *And be it enacted*, That every person who shall sell, or who shall offer for sale, or who shall transport or carry, for the purposes of sale, or who shall have in possession with intent to sell or offer for sale, any impure, adulterated or unwholesome milk shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Penalty for selling or offering for sale impure or adulterated milk.

3. *And be it enacted*, That every person who shall adulterate milk or who shall keep cows for the production of milk, in a crowded or unhealthful condition, or feed the same on food that produces impure, diseased or unwholesome milk shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the penalties prescribed in section eight of this act. Penalty for adulterating milk and keeping cows in an unhealthy condition, &c.

4. *And be it enacted*, That the addition of water or any substance or thing is hereby declared an adulteration; and milk that is obtained from animals that are fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature is hereby declared to be impure and unwholesome, and any person offending as aforesaid shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Addition of water or other substance declared an adulteration.

5. *And be it enacted*, That every person who shall feed cows on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, or rottenness or upon any substance of an unwholesome nature shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act. Penalty for feeding cows on unwholesome substances.

Penalty for
selling or offer-
ing for sale
milk exposed
to certain dis-
eases.

6. *And be it enacted*, That every person who shall sell, or who shall offer for sale any milk that has been exposed to, or contaminated by the emanations, discharge or exhalations from persons sick with scarlet fever, measles, diphtheria, small pox, typhoid fever, or any contagious disease by which the health or life of any person may be endangered or compromised, shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section eight of this act.

When milk is
deemed to be
adulterated.

7. *And be it enacted*, That in all prosecutions under this act, if the milk shall be shown, upon analysis, to contain more than eighty-seven per centum of watery fluids, or to contain less than thirteen per centum of milk solids, it shall be deemed, for the purposes of this act, to be adulterated.

Penalty for
violating the
provisions of
this act.

8. *And be it enacted*, That every person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail for not less than thirty days, nor more than ninety days, or both, at the discretion of the court, and if the fine is not immediately paid, shall be imprisoned for not less than thirty days, or until said fine shall be paid, and for a second offence by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than sixty days, nor more than ninety days, or both, at the discretion of the court, and for any subsequent offence by a fine of fifty dollars and imprisonment in the county jail not less than sixty nor more than ninety days; and on trial for such misdemeanor or penalty, the sale, or offer for sale, or exposure for sale, of milk or articles contrary to the provisions of this act, shall be presumptive evidence of knowledge by the accused of the character of the milk or article so sold, or offered, or exposed for sale, and that the can, vessel or package was not marked as required by this act.

Penalties—
how recovered.

9. *And be it enacted*, That all penalties imposed under the provisions of this act may be sued for in any court having competent jurisdiction, one-half the fine to go to the person making the complaint, and the other half to be paid to the county collector for the benefit of the county; any court of competent jurisdiction in this state shall have jurisdiction to try and dispose of all and any of the offences arising in the

same county against the provisions of this act, and every justice of the peace shall have jurisdiction within his county of actions to recover any penalty hereby given or created.

10. *And be it enacted*, That the state board of health is hereby empowered and directed to appoint, each year, a competent person, who shall act as state inspector of milk, at a salary of eight hundred dollars per annum, payable by the treasurer of this state, by warrant of the comptroller, in quarterly payments, for the purposes of this act, and in addition thereto said inspector shall be paid his actual traveling expenses while in the performance of his duties, and actual expenses of suits brought by him under this act, payable by the treasurer of this state by warrant of the comptroller; said inspector shall act until removed by said board, or until his successor is appointed, and shall make such reports to said board, at such time as it may direct; said inspector, having reason to believe the provisions of this act are being violated, shall have power to open any can, vessel, or package containing milk and not marked as directed by the first section of this act, whether sealed, locked or otherwise, or whether in transit or otherwise; and if, upon inspection, he shall find such can, vessel or package to contain any milk which has been adulterated, or from which the cream, or any part thereof, has been removed, or which is sold, offered or exposed for sale, or held in possession with intent to sell or offer for sale, in violation of any section of this act, said inspector is empowered to condemn the same and pour the contents of such can, vessel or package upon the ground, and bring suit against the person or party so violating the law, and the penalty, when so collected by such suit, shall be paid into the treasury of this state, and said inspector is directed to cause the name and place of business of all persons convicted of violating any section of this act to be published once in two newspapers in the county in which the offence is committed; and said inspector is empowered to appoint one or more deputies, who shall have power to inspect milk, as provided by this act, and who shall be empowered to act as complainant, as provided by section nine of this act; *provided*, that no expense be incurred to the state by action or appointment in lieu thereof of said deputies.

State board of health empowered to appoint an inspector of milk.

Compensation and expenses—how paid.

Duties of inspector.

Inspector to advertise name and place of business of persons convicted of violating this act.

Proviso.

11. *And be it enacted*, That said state inspector of milk shall also be a public analyst, and shall make analyses and in-

Inspector to be a public analyst.

vestigations of food, drugs and other substances, as he may be directed so to do by the state board of health.

Certain acts repealed.

12. *And be it enacted*, That an act entitled "An act to prevent the adulteration of milk, and to prevent traffic in impure and unwholesome milk," approved April seventh, one thousand eight hundred and seventy-five, and an act entitled "An act to regulate the sale of milk," approved April fifth, one thousand eight hundred and seventy-eight, and an act entitled "A supplement to an act to regulate the sale of milk, approved April fifth, one thousand eight hundred and seventy-eight," approved March twelfth, one thousand eight hundred and eighty, are hereby repealed.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLII.

A Supplement to an act entitled "An act regulating the practice of the court of law," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Parties dying after judgment is recovered, execution may be sued out against real and personal property of deceased.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when one or more of several parties, against whom a judgment has been recovered, shall die after judgment and before execution issued, and such deceased party or parties shall not have left a last will and testament, and no letters of administration shall have been granted upon such deceased party or parties' estate within six months after the death of such party or parties, execution may be sued out against the real estate and personal property of such deceased party or parties as if such death or deaths had not occurred.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLIII.

An Act relating to the division of certain cities in this state into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities not already divided into wards may be divided into two or more wards. Cities may be divided into wards.

2. *And be it enacted*, That the common council or other governing board or body in any such city is hereby authorized and empowered to determine the number of wards into which such city shall be divided, and the boundaries of said wards, and are authorized and empowered to make such division accordingly. Common council authorized to divide city and determine boundaries of wards.

3. *And be it enacted*, That at all city or charter elections to be held in any city after a division thereof into wards as aforesaid, an equal number of the members of the common council or other governing board or body shall be elected from each of said wards, and the residue of such board of common council or other governing board or body shall be elected at large from said city; *provided*, that the largest possible number consistent with the foregoing provisions of this section shall be elected from each of said wards; *provided, further*, that where in any city affected by this act the mayor, alderman or any other officer of said city is now ex-officio a member of the city council, the city council in apportioning the number of councilmen to each ward shall not take into consideration such ex-officio members. Equal number of members to be elected from each ward, and the residue elected at large from the city.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Proviso. Repealer.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLIV.

An Act to provide means to increase the fish production of the waters of this state.

Appropriation
for stocking
waters of this
state with
game and food
fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work now in progress under the care of the commissioners of fisheries of this state, of stocking the waters of the state with valuable game and food fishes, there is hereby appropriated the sum of four thousand dollars, which shall be paid from the state treasury on the warrant of the comptroller, drawn upon the requisition of the commissioners, and which shall be expended by them in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they deem advisable in carrying on the work of restoring and increasing the fish production of the waters of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLV.

An Act validating oaths taken before masters in chancery and notaries public in certain cases.

Official oaths
validated.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any official oath authorized by the laws of this state to be taken and subscribed before a

justice of the peace of this state, which may have been taken and subscribed before a master in chancery or notary public of this state, shall be deemed as valid and effectual, for all purposes, as if taken and subscribed before a justice of the peace.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLVI.

An Act to enable the owners of any island or part thereof to improve the same and to protect the same from damage by high tides.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the owners representing two-thirds in area of any island or portion of an island situate and lying along the coast or tide water streams of this state, shall agree or consent in writing to erect or build a sea wall or embankment for the purpose of protecting the same or any property therein from high tides or storm tides, around, across or along the same or any portion thereof, said agreement or consent in writing to be accompanied by a survey or plot of said land to be thus protected, with the names of the owners thereof and the number of acres owned by each, and showing where said sea wall or embankment is proposed to be located and built or erected, and to be signed and acknowledged and filed and recorded in the county clerk's office of the county where said land is located, and the county clerk of the several counties in this state, where any such island is located, are hereby authorized to record said agreement and surveys the same as other conveyances are recorded.

Owners may agree and consent in writing to build a sea wall or embankment to protect property.

Agreement or consent to be accompanied by survey, &c., and to be filed and recorded in office of county clerk.

2. *And be it enacted*, That upon the filing of the agreement or consent as aforesaid, the owners of said land who have signed said agreement or consent, representing two-thirds of

Certificate of association and corporate name to be filed and recorded.

the area of said land to be protected, shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the place where and the purpose for which such association or company is formed and intended, the name, residence and number of acres owned by each, and file the same in the office of the clerk of the county where such island or part of an island is situated and where said improvements are to be made, who shall thereupon record it in a book to be provided for that purpose.

Election of directors, &c.

3. *And be it enacted*, That upon making and recording such certificate, the said persons, their successors and assigns, shall become and be a body politic and corporate and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations ; such persons so associated or a majority of them shall within thirty days after such incorporation, and annually thereafter by a vote of a majority present elect any members of their said association not exceeding seven to be directors of such corporation, who shall thereupon choose from their number a president, secretary and treasurer, and such other officers and assistants as they may deem requisite and necessary ; and such directors shall have power to frame, establish and ordain from time to time, such by-laws, ordinances and regulations for the government of such corporation and the advancement of the purposes thereof, as they shall judge best ; *provided*, the same be not repugnant to the constitution or laws of this state or the United States.

May make by-laws.

Proviso.

Directors to cause all the lots of land to be measured and a plot to be made.

4. *And be it enacted*, That the directors of said corporation or a majority of them shall as soon as may be, cause all the lots and parcels of the land belonging to each owner within the limits of the proposed sea wall or embankment, to be carefully and strictly measured, and a draught or plot to be made showing the quantity held by each owner, and cause a valuation to be made of the land of each owner separately ; and shall thereupon make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this act, and also of buildings erecting and maintaining said sea wall or embankment and other works necessary to keep the tide from overflowing or encroaching on said land within said wall or embankment, to be protected thereby ; and shall assess the same ratably on said land agreeably to the valuation and quantity each owner may have within the said sea wall or embankment, or to be

Estimate of cost for proposed improvement to be made.

protected thereby; and shall state the said assessment in a regular duplicate containing the names of the owners or possessors, the number of acres and part of acres held by each, the sums assessed on them severally, and the time or times of payment, which duplicate shall be delivered to the treasurer of said company.

5. *And be it enacted*, That the treasurer, on receipt of the said duplicate, shall, in person or by notice in writing, left at the usual place of abode of each owner or possessor, demand of and from each owner and possessor, not less than twenty days before the time of payment, the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for payment thereof, it shall and may be lawful to and for the said treasurer to seize and sell out, by public vendue, to the highest bidder, so much of said land as will be requisite to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same for the space of four weeks in five of the most public places in the vicinity where the said land is located, by hand-bills; also in one newspaper published and printed in the county where said land is located, for the same length of time, at least once in each week; that if said estimate so made and collected as aforesaid should not produce a sufficient sum of money to fulfil the purposes above mentioned, the said directors shall make, in like manner, an estimate of such sum as may be further necessary, which shall be collected in like manner as is hereinbefore directed.

Expenses, &c.,
to be assessed
upon lands.

Upon failure to
pay assess-
ment, treasurer
to sell lands
at public ven-
due.

Sale to be ad-
vertised.

6. *And be it enacted*, That if the board of directors of said company shall deem it advisable to issue bonds to an amount sufficient to pay the expenses of building, erecting and maintaining said sea wall or embankment, they shall have the power to do so, instead of raising the money by assessment as aforesaid, said bonds to bear interest at a rate not exceeding the legal rate when issued, and payable semi-annually; said bonds to run such length of time as said board shall determine, not exceeding twenty years; said bonds to be issued upon such terms as a majority of said directors shall deem advisable; said board of directors to provide for the payment of the interest and principal of said bonds as they become due and payable, by assessment on the land owners or possessors as aforesaid provided.

Directors em-
powered to
issue bonds to
pay for im-
provement.

Property pledged and bound for the payment of money expended and bonds issued.

7. *And be it enacted*, That for the security of all moneys assessed or expended, or for the bonds which may be issued in payment of said improvements or work, by virtue of this act; all the land protected or enclosed by said sea wall or embankment, or for the protection whereof said sea wall or embankment is built or erected, shall be pledged and bound for the payment thereof, and said bonds shall be a lien thereon.

Company authorized to borrow money and issue bonds.

8. *And be it enacted*, That said company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, erect and construct, repair and maintain said sea wall or embankment, and to secure the same by issuing bonds therefor, at a rate of interest not exceeding the legal rate.

Directors authorized to make sea wall a traveled road.

9. *And be it enacted*, That the directors of said company shall have power to make said sea wall or embankment a traveled road or walk upon such conditions and restrictions as may be deemed advisable by said board of directors.

Failure to elect directors, company not to be dissolved.

10. *And be it enacted*, That if, from any cause, an election for directors shall not be had at the time when the same should have been held, the said company shall not be deemed dissolved thereby, but said election may be held at any other time by giving ten days' notice thereof in some newspaper published in said county; and until such election be had, the directors and officers elected at the preceding election shall continue to hold over and until others are elected in their stead.

When owner of land is unknown, assessment made to be stated on duplicate.

11. *And be it enacted*, That in case the owner or owners of any land benefited or enclosed by said sea wall or embankment is unknown, the assessment may be made as belonging to a person or persons unknown, and so state the same in their duplicate; and that the treasurer of said company may make the demand required by advertising the same in a newspaper circulated in the county wherein said land is located, for the space of twenty days next before the time of payment, giving in said advertisement a brief description of said land upon which the assessment has been made.

Owners may redeem lands sold within two years.

12. *And be it enacted*, That in case any land shall be sold under and by virtue of this act to pay any assessment for improvement or otherwise, that the owner or owners of said land shall have the privilege of redeeming the same at any time within two years from the time said sale shall have been made, by paying to the treasurer of said company the amount for

which said land sold for, together with eight per centum interest and all expenses.

13. *And be it enacted*, That when any company incorporated under this act or its agents cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said sea-wall or embankment, shall be given in writing, under oath or affirmation, of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and an assessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them,

Proceedings when company cannot agree with owner or owners of lands and materials.

Justice to appoint commissioners.

Commissioners to make an estimate or appraisement of lands and assess damages and to make report.

and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein and thereupon, and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands or materials for the purposes aforesaid, and the said report or copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded shall at all time be considered as plenary evidence of the right of any company incorporated under this act, to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court shall upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company; *provided, always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may be.

Proviso.

Proceedings in case of an appeal from the decision of commissioners.

14 *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and direct a proper issue for the trial of said controversy to be

formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against any company incorporated under this act, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever, shall said company incorporated under this act enter upon or take possession of any land of any person or persons for the purpose of actually constructing said works or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of any company incorporated under this act, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal, the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability then the payment of the amount assessed or found as aforesaid, into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made receive the same without being barred thereby from his or their appeal from the report of the commissioners; and on such ten-

Proviso.

Proviso.

der or payment of the money into court, in case it be refused, as aforesaid, the said company shall be empowered to enter upon and take possession of said lands and proceed with the work of constructing its sea wall or embankment; *provided*, nothing in this act shall be construed to apply within the limits of any incorporated city, nor to affect the rights of the state to any lands under water.

Proviso.

15. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Passed March 23, 1881.

CHAPTER CXLVII.

An Act to amend an act entitled "An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder," approved March twelfth, one thousand eight hundred and eighty.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows:

When premises sold do not bring amount to satisfy debt, it may be lawful to proceed on bond for deficiency.

2 *And be it enacted*, That in all cases where a bond and mortgage has or may hereafter be given for the same debt, all proceedings to collect said debt shall be, first to foreclose the mortgage, and if at the sale of the mortgaged premises under said foreclosure proceedings the said premises should not sell for a sum sufficient to satisfy said debt, interest and costs, then and in such case it shall be lawful to proceed on the bond for the deficiency, and that all suits on said bond shall be commenced within six months from the date of the sale of said

Suits to be commenced within six months from sale.

mortgaged premises, and judgment shall be rendered and execution issue only for the balance of debt and costs of suit.

2. *And be it enacted*, That section three of said act be and the same is hereby amended so as to read as follows :

3. *And be it enacted*, That, if after the foreclosure and sale of any mortgaged premises the person who is entitled to the debt shall recover a judgment in a suit on said bond for any balance of debt, such recovery shall open the foreclosure and sale of said premises, and the person against whom the judgment has been recovered may redeem the property by paying the full amount of money for which the decree was rendered, with interest to be computed from the date of said decree and all cost of proceedings on the bond ; *provided*, that a suit for redemption is brought within six months after the entry of such judgment for the balance of the debt.

When persons recover a judgment for balance of debt, the foreclosure and sale of premises shall be opened, and the owner may redeem property.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

CHAPTER CXLVIII.

An Act concerning railroad corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for every railroad corporation whose charter would expire during the year one thousand eight hundred and eighty-one, by force of its act of incorporation, and which has expended moneys in making surveys or in constructing its road, to extend its road to any point of connection with any other railroad within five miles of either of its present termini, and for such purpose is hereby again invested and endowed with all the rights, powers, privileges and franchises conferred upon such railroad corporations in and by its act of incorporation or any supplement thereto.

Railroad corporations invested with all rights, powers, privileges, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

CHAPTER CXLIX.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

No child to be excluded from any public school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no child, between the age of five and eighteen years of age, shall be excluded from any public school in this state on account of his or her religion, nationality or color.

Penalty for board of trustees to vote to exclude any child from any public school.

2. *And be it enacted*, That any member of any board of trustees of any school district, or any member of any board of education in this state, who shall vote to exclude from any public school in this state, any child between the age of five and eighteen years of age, on account of his or her religion, nationality or color, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offence is committed not less than thirty days nor more than six months, or both fine and imprisonment may be imposed in the discretion of the court.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

CHAPTER CL.

An Act to provide for commissioners to prepare and suggest amendments to the constitution of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That during the current session of the legislature there shall be appointed by the governor, and certified to the secretary of state, three persons, who, together with the president of the senate and two persons to be designated by him, and the speaker of the house of assembly and two persons to be designated by him, shall constitute a commission, whose duty it shall be to prepare amendments to the constitution of this state. Commissioners to prepare amendments to constitution to be appointed.

2. *And be it enacted*, That the said commissioners shall receive no compensation for their services; they shall meet and organize at the state house in Trenton, on or before the first day of June, one thousand eight hundred and eighty-one; they may appoint a secretary, not of their own number, and may employ a stenographer; they may adjourn from time to time as they shall see fit, and they shall prepare and submit to the next legislature, in proper form for consideration, such changes in or amendments to the constitution of this state, as shall, in their opinion, be for the best interests of the people. When commissioners to meet. May appoint officers and submit amendments to next legislature.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 23, 1881.

CHAPTER CLI.

A Further Supplement to an act entitled "An act to provide for the organization of the New Jersey Home for Disabled Soldiers," approved April fourth, one thousand eight hundred and sixty-six, providing an additional appropriation for the support of said home, and for the erection of a suitable hospital building and heating and furnishing the same.

Additional ap-
propriations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, in addition to the appropriation now authorized by law, the further sum of twelve thousand dollars is hereby appropriated for the support of the New Jersey Home for Disabled Soldiers for the current year ; and, also, the sum of three thousand dollars for the erection of a suitable hospital building for said home, and the heating and furnishing of the same.

Money—by
whom expend-
ed.

Treasurer to
pay appropria-
tion.

2. *And be it enacted*, That said sums shall be expended under the direction of the board of managers of said home, and the state treasurer is hereby authorized and directed to pay the same, for the purposes aforesaid, to the treasurer of said home, on the warrant of the comptroller of the treasury, out of any moneys in the treasury of this state not otherwise appropriated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CLII.

An Act authorizing the establishment of sinking funds in cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of any city in this state is hereby authorized and empowered by ordinance to create, establish, maintain and regulate a sinking fund in any such city, and define the powers and duties of the board or committee in charge thereof; *provided*, that whenever any bonds shall have been issued by any city under any general law or agreement or compromise, the amount of the collections of all taxes, assessments, license fees or special sums pledged or raised for the payment of said bonds shall be applied in accordance with the laws and agreements under and in pursuance of which said bonds may have been issued, and it shall be the duty of the sinking fund commissioners of any city or those which may be appointed under the provisions of this act, to have charge of and carry out the proper disposition of said collections.

City council authorized by ordinance to create and regulate a sinking fund, &c.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CLIII.

A Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court, and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the act supplementary thereto, approved March the eighth, one thousand eight hundred and seventy-seven.

Sales of lands made by executors or administrators, not to be invalid by reason of failure to set up order, &c.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any executor or administrator, or order for the sale of lands to pay debts, made by any orphans' court of this state, shall be held invalid, nor shall any orphans' court of this state refuse to grant an order for the sale of lands under and by the provisions of said supplementary act, by reason of a failure to set up the order to show cause, in each of the counties where the lands lie, or of a failure of the court to direct in what newspapers the said order should be published; *provided*, that the said order shall have been set up in three of the most public places in the county, in which letters of administration or letters testamentary have been granted, and by the orphans' court of which said order was made, for six weeks successively, and published for the same time in one of the newspapers of said county, according to the provisions of the seventy-first section of said act; *and provided*, that all the other provisions of the above mentioned act shall have been complied with; and any sales of lands which may be made under and by virtue of the orders of the orphans' courts of this state, as above provided, shall be as valid and effectual as if all the provisions of said supplementary act, respecting the setting up and publishing the order to show cause, had been complied with.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CLIV.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act to establish a state board of health,' " approved March ninth, one thousand eight hundred and seventy-seven, which supplement was approved March twelfth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement be amended so as to read:

2. *And be it enacted*, That in event of any contagious or infectious disease, as aforesaid, breaking out or being suspected to exist in any locality in this state, it shall be the duty of all persons owning or having any interests in said animals, or any person called as a veterinarian to see such animals, to notify the said board of health, or any one of them, of the existence of such a disease, and thereupon it shall be the duty of the said board of health, or some one designated by them, to investigate the same, and quarantine said animal or animals, and take such precautionary measures, as to any animal sick or as to other animals that have been, or are in proximity thereto, as shall be deemed necessary, and to enforce such regulations as may be adopted by such board of health; or if said board, without notification, has any reason to believe that any such infectious or contagious disease exists in or among any animals in this state, it shall have the same power of inquiry and examination, and the same rights of jurisdiction as are herein provided, where there has been notification by the owner or those having possession thereof.

2. *And be it enacted*, That in all cases where animals affected with or which shall have been exposed to a contagious or infectious disease are ordered to be killed, or shall have been killed by order of the board of health or its assistants, it shall be the duty of three members, who are freeholders, of such a board of health, of the city, township or county in

Section,
amended.

Owners of animals to notify state board of health of existence of any contagious or infectious disease.

Board to quarantine animal or animals, and to prescribe remedies and enforce regulations, &c.

Board of health or assistants to appoint freeholders to appraise value of animals killed or slaughtered.

which the disease exists, as the state board of health may request, to appraise the value of the animal or animals so killed or ordered to be killed, taking into consideration the marketable value just previous to the time of attack of such disease; and the animal or animals so killed shall be buried by the owner thereof in the manner specified in the act to which this is a supplement; *provided*, that in no case shall said valuation exceed the sum of forty dollars for any one animal, or in the case of registered cattle shall not exceed one hundred dollars, one-half of said valuation to be paid by the state to the owner or owners, on presentation of such appraisement, signed by the appraisers, as provided for in the act to which this is a supplement.

Proviso.

Board of health may, with consent of owner, allow herd or herds of cattle to be inoculated.

3. *And be it enacted*, That when any herd or portion thereof has been or is so exposed to any contagious or infectious disease, and the state board of health deem the disease likely to spread to that portion, of the herd still unaffected, although isolated or quarantined, said herd may, with the consent of the owner or owners, and with restrictions agreed upon between them and the executive officer of the state board of health, cause or allow said herd or herds to be inoculated for the prevention of such diseases, as can be thus mitigated; but any loss resulting from such inoculations shall not constitute any claim against the state, or the board of health acting as its agent; *provided*, that inoculation for pleuro-pneumonia shall in no case be allowed without the consent and approval of the state board of health, and by its direction, under the penalties, provided in section eight of the act to which this is a supplement.

Proviso.

State board of health may, with consent of local board, prohibit bringing of cattle into any township without inspection or permit, and may prohibit running at large of animals.

4. *And be it enacted*, That when any city, township or district shall be threatened with any contagious or infectious disease among animals, to such an extent as to seem to require more general precautions, the state board of health shall notify the local board of health, and with the advice and consent of the majority of said local board of health, may, for a time, prohibit the bringing of any cattle into such township without inspection or a written permit, or may make distinction between fat and store cattle, or may prohibit the running at large of animals in the township, if not already prohibited by law, for such time as the township board of health shall advise.

5. *And be it enacted*, That the state board of health, in itself or by its authorized agents, is hereby empowered to inspect any animal or animals in this state, suspected of any contagious or infectious disease, whether belonging to citizens of this state or some other state or country, or when passing over ferries, or by other means of conveyance to or from this state, or to detain or send back the same, or dispose of by slaughter, as provided in the foregoing sections of this act and the act to which this is a supplement; and in case there is evidence of any contagious or infectious disease of animals being conveyed from other states to this state, the state board of health may order and direct as to the places, days or time, when animals may have egress or ingress from and to this state, and regulate the same, and with only such interference with traffic as the necessities of the case may demand.

State board of health empowered to inspect animal or animals suspected of any contagious disease in this state, or passing over ferries, &c.

Approved March 23, 1881.

CHAPTER CLVI.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen of any city of this state shall have power to pass, alter and repeal ordinances to compel the removal of snow and ice from the sidewalks and gutters of all the public streets, avenues or public places in any such city, and to prescribe penalties by fine not exceeding five dollars in each case, for any violation of any ordinance herein authorized.

Common council or aldermen authorized to pass, alter or repeal ordinances to compel removal of snow and ice.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CLVII.

A General Act respecting taxes, assessments and water rates.

No tax, assessment or water rent shall be set aside in any court for any irregularity or illegality in assessing or levying the same.

Court required to amend irregularities, errors or defects, &c.

Assessments to remain a lien, and how collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no tax, assessment or water rate imposed or levied in this state shall be set aside or reversed in any court of law or equity in any action, suit or proceeding for any irregularity or defect in form, or illegality in assessing, laying or levying any such tax, assessment or rate, or in the proceeding for collecting the same, if the person against whom, or the property upon which such tax, assessment or rate is assessed or laid is in fact liable to taxation, or assessment, or imposition of such water rate, in respect of the purposes for which such tax, assessment or rate is levied, assessed or laid; and the court in which any action, suit or proceeding is or shall be pending to review any such tax, assessment or water rate is required to amend all irregularities, or errors or defects, and is empowered, if need be, to ascertain and determine for what sum such person or property was legally liable to taxation, or assessment, or water rate, and by order or decree to fix the amount thereof; and the sum so fixed shall be the amount of tax, assessment or water rate for which such person or property shall be liable, and the same shall be and remain a first lien or charge upon the property and persons, and collectable in the manner provided by law, the same as if such tax, assessment or water rate had been legally levied, assessed or imposed in the first instance by the city, town, township, commission, board or other authority attempting to make, impose or levy the same; it shall be the duty of the court to make a proper levy, imposition or assessment in all cases in which there may lawfully be an assessment, imposition or levy; and such court is hereby given full and ample authority to make a lawful levy, assessment or imposition.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CLVIII.

An Act to provide for drainage where the same is necessary to the public health.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any ten or more citizens who deem it necessary for the public health that any pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands should be drained, may present a petition duly verified to the court of common pleas of the county in which such pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands lie, or if the same lie in more than one county, to the supreme court of this state, in open court in each instance, setting forth the facts and the names of all the owners of lands likely to be affected by the proceedings, so far as known to the petitioners, and praying for the appointment of three commissioners for the purposes and with the powers hereinafter set forth; notice of the proposed application and of the day on which the same is intended to be made, shall be given for at least two weeks previous to the day of making such application, by advertisement in writing, under the hands of at least two of the petitioners, set up in three of the most public places in the township in which the premises proposed to be drained are situate, and if such premises are situate in more than one township, such advertisement shall be set up at three of the most public places in each township.

Ten or more citizens may petition supreme court for appointment of commissioners.

Notice of application to be advertised.

2. *And be it enacted*, That the said court to which such application is made, on due proof being made that the advertisements have been set up according to law, on which the judgment of the court shall be final and conclusive, and being satisfied that the petition is in due form, shall thereupon appoint three persons, who shall be freeholders in the county or in one of the counties, wherein the premises proposed to be drained are situated, and who shall not be interested in said premises or any of them, and one of whom shall be a civil

Supreme court to appoint commissioners.

One to be a
civil engineer
or surveyor.

engineer or surveyor, to hear and determine, first, whether the drainage petitioned for is necessary to the public health, and second, through what lands it is necessary in order to drain the premises in question that a ditch or ditches, or other channels for the free passage of water should be opened; and to take such other and further steps with reference thereto as are hereinafter provided for.

Commissioners
to take oath
and organize.

3. *And be it enacted*, That the said commissioners, before they enter upon the duties of their office, shall make and subscribe and file an oath with the clerk of the court, by which they are appointed, that they will faithfully discharge the duties of their office to the best of their knowledge and ability; the commissioners shall, with all convenient speed, after qualifying as herein provided, meet and organize by appointing one of their number as chairman and another as treasurer; the treasurer shall collect and be the custodian of all moneys to be collected or received by the commissioners under the provisions of this act, and shall pay out the same only upon the order of the commissioners signed by at least two of the commissioners; the treasurer shall give a bond or bonds with sufficient sureties to the township committee of the township where the premises in question lie; or if in more than one township, then to the township committee of each township; such bond or bonds to be approved by a judge of the court in which the proceedings were commenced, both as to sufficiency and amount, and to be filed with the clerk of the court.

Officers of com-
mission.

Treasurer to
enter into
bond.

Commissioners
to view premi-
ses and deter-
mine whether
drainage is
necessary.

4. *And be it enacted*, That the said commissioners shall, after notice to the petitioners and the parties named in the petition, in such manner as they shall order, proceed by personal view of the premises, or otherwise, to determine whether the drainage petitioned for is necessary to the public health.

Determination
of commission-
ers to be filed
in office of
county clerk.

5. *And be it enacted*, That the said commissioners shall file in the office of the clerk of the court by which they were appointed, their determination, signed by them, or by a majority of them if they do not all concur, and give notice of such filing to all whom it may concern, by publishing such notice, at least two times in some newspaper published at the county seat of the county in which such premises are situated; and, if they be situated in more than one county, in a newspaper published at the county seat of each county; any party feeling aggrieved by such determination may appeal therefrom to the court in which the proceedings were commenced, by giving

Notice of filing
to be adver-
tised.

Persons ag-
grieved by de-
termination
may appeal.

written notice of such appeal to said commissioners within twenty days after the last publication of such notice; the said court shall thereupon, on motion of either party, on at least ten days' notice to the appellant or appellants, proceed to hear said appeal in a summary manner and in accordance with the rules and practice of the court and to determine the same; if either or both parties desire that testimony be taken to be used on the hearing, such testimony may be taken orally, in open court, or in the form of depositions, as the court may direct.

Testimony may be taken orally.

6. *And be it enacted*, That if it shall be adjudged and determined by the said commissioners, or by the court in case of appeal, that for the benefit of the public health such ditches, drains or channels, for the free passage of water, shall be opened, or that such pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, should be drained, it shall be the duty of said commissioners (unless the same shall be done by the owners of the lands to be thereby affected to the satisfaction of said commissioners), to cause an accurate survey of the lands and premises in question to be made, and a map thereof to be made, showing all the lands and premises that are proposed to be drained, the number of acres in each separate tract included in the district to be drained, the names of the owners and occupants thereof, so far as can be ascertained, and the relative levels of each tract, and the width, depth and slope of sides, shape and course of such ditch or ditches or other channels for the free passage of water, as they shall determine to be necessary for the drainage of the land and premises in question, and for the purposes of this act said commissioners are empowered to employ a competent civil engineer or surveyor, or to authorize such commissioner as may be a civil engineer or surveyor to act as such, and to enter upon any and all the lands mentioned in the petition or deemed necessary by such commissioners and survey the same, and take the levels thereof, and by themselves, their servants and agents, to do all things necessary for the construction and completion of all such ditches and channels for the passage of water, as they shall deem to be necessary for the complete drainage of said pond, artificial reservoir, marsh, swamp, bog, meadow or low or wet land.

Upon determination of commission or court, survey and map of lands proposed to be drained, &c., shall be made.

Commissioners may employ a civil engineer or surveyor.

7. *And be it enacted*, That the said commissioners shall, upon the completion of the work, cause such map certified by them, to be filed in the office of the clerk of the court in

Maps filed in office of clerk of court.

which the proceedings are pending, which map, or a duly authenticated copy thereof, may be used in evidence in any suit or proceeding in this state.

Compensation of commissioners, and account of expenses to be kept.

8. *And be it enacted*, That the said commissioners shall be paid for their services three dollars each, for each full day actually employed in their said duties; they shall keep an account of all their expenses and of all the costs and expenses incurred in draining said lands and premises, including all the costs and expenses incurred in any proceeding under this act, or preliminary or incident thereto, and any land damages or awards as hereinafter provided; and in case it shall be necessary to raise funds for the construction of such ditches or drains or channels for the free passage of water or land damages or awards, before the assessment hereinafter provided for can be made and collected, the said commissioners are hereby empowered from time to time, with the approval of the court in which the proceedings are pending, to borrow so much money as may be necessary therefor upon such evidence of indebtedness, as they may deem proper, bearing interest at the rate of six per centum per annum, payable upon the completion of such assessment and collection, and the interest accruing thereon shall be assessed as the other expenses for said construction; such evidence of indebtedness shall not be issued for less than par and shall be receivable in payment of such assessments.

Commissioners empowered, with approval of court, to borrow money upon evidences of indebtedness.

Commissioners empowered to construct drains, ditches, &c., through or across any road or street and through private lands, and award owners compensation.

9. *And be it enacted*, That the said commissioners shall have power to construct such drain or drains, ditch or ditches or other channels for the free passage of water, in accordance with the plans adopted, through and across any road or street in the township or townships in which the district to be drained lies, or through and across which it may be necessary in order to carry out the proposed drainage, and also through any private lands as shown on the said map, in which latter case they shall award the owner or owners of such lands just compensation therefor, and shall add the amount of such compensation to the cost of constructing such works; such compensation shall be awarded, and notice thereof given to the owner personally, if he be known, and a resident of the county in which the premises drained, or any part of them, are situate, and if not a resident of such county, then by mail, according to the best information that can be obtained as to his address, before commencing such work; and such award shall be final unless the said commissioners shall reconsider the same and

Compensation, how awarded.

Award to be final, and to bear interest.

make a new award, or such owner shall appeal, as provided in section twelve of this act, and such award shall bear interest at the rate of six per centum per annum from the date of making the same until paid ; and in case any valuable water rights or privileges shall be injuriously affected or destroyed by such drainage, the said commissioners shall award the owner or owners thereof just compensation therefor, and shall take the same proceedings in relation to such awards as in cases where land is taken.

10. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of the work of any drainage undertaken under the provisions of this act, the said commissioners shall ascertain the whole amount of such costs, damages and expenses, and shall make a just and equitable assessment of the same upon the lands specially benefited by such improvement in proportion to the benefit received thereby, but not in any case exceeding the amount of such benefit ; and in case the whole costs, damages and expenses shall exceed the amount of benefits to lands specially benefited thereby, such excess shall be assessed upon and raised by general taxation in the township or townships in which the drained district lies, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected ; and in case the drained district lies in more than one township, the said commissioners shall apportion the amount to be raised by said townships to each township in proportion to the number of acres in each that are affected by the said drainage, as shown by the said map ; and when the amounts assessed upon said township or townships shall have been levied and collected, they shall be paid over by the township collectors of the respective townships to the said commissioners for the purposes for which they were appointed under this act ; before proceeding to make such assessment the said commissioners shall give at least ten days' notice in a newspaper or newspapers, published in the county or counties in which the drained premises lie, that they will meet at a certain time and place to hear the views of all persons interested in the proposed assessment, at which time and place said commissioners shall meet and give full and reasonable opportunity to all persons interested to express their views, may adjourn from time to time, and shall thereupon proceed to make a just and equitable assessment of the costs and ex-

Commissioners to ascertain whole amount of costs, damages and expenses, and to make assessment upon lands specially benefited.

Commissioners to give notice of meeting.

Commissioners to make a just and equitable

assessment of costs and expenses of improvement, &c.

Owners of lands to be notified.

May reconsider acts, correct and revise assessments.

Assessment to be filed.

Notice of filing to be published.

Amount assessed—by whom collected.

Assessments to remain a first lien upon lands.

penses of said improvement, including damages for land taken or used and for water rights or privileges injured or destroyed upon the lands specially benefited by such work, and upon the township or townships concerned, as hereinafter set forth, within ten days after making such assessment; a notice shall be sent through the post office to each owner of lands so assessed, as nearly in each case as the name and address of the owner can be ascertained, and to the township committee of the township affected, stating the amount assessed against said land or against said township, as the case may be, and that said assessment will be open for inspection for the next fifteen days, and the said commissioners will then meet at a time and place, in said notice specified, to hear objections and to revise and correct, and finally confirm said assessment; at which time and place the said commissioners shall meet and give all parties appearing before them an opportunity to be heard, and may adjourn from time to time, and may reconsider said assessment, and shall make any alteration therein that they may deem just; and thereupon they shall revise, correct and finally confirm said assessment, and within ten days thereafter shall file said assessment, together with a detailed statement of the costs, damages and expenses incident to the work as ascertained by them, in the office of the court in which the proceedings in relation to the drainage in question were begun, and shall give notice of such filing by publication once a week for four weeks in a newspaper or newspapers published in the county or counties where the drained premises lie; and the determination of said commissioners, or a majority of them, shall be final and conclusive unless an appeal be taken as provided by section twelve of this act; and the said commissioners shall retain in their possession a duplicate copy of said assessment, and it shall be their duty to collect the amounts assessed and disburse the same for the purpose of carrying on and completing the drainage in question.

11. *And be it enacted*, That from and after the filing of the said assessment in the office of the said clerk, the said assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount of such assessment, with interest thereon, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of such land, or any judgment, mortgage or encumbrance thereon, and notwithstanding any

mistake in the name or names of the owner or owners thereof, or any omission to name the owner or owners thereof; and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien as aforesaid upon the lands assessed; and if such assessment with interest thereon be not paid within six months from the time when the same is payable, then the land upon which the said assessment is a lien shall be sold by said commissioners to pay the same, with interest thereon from the time when the same became payable, and all fees, charges and expenses of collection and sale in the same manner as land is authorized to be sold for unpaid taxes in the townships where said land lies.

Mistake or omission not to invalidate assessment.

Failure to pay assessment, lands to be sold

12. *And be it enacted*, That any person or persons feeling aggrieved by the action of the commissioners in awarding compensation for lands or property taken or used or for water rights or privileges injured or destroyed for the purposes of drainage as contemplated by this act, or by the action of the commissioners in making the assessment pursuant to section ten of this act, or any township committee feeling aggrieved by reason of the action of said commissioners in the premises, may, within forty days after the publication of the notice of filing said assessment, appeal to the court in which the proceedings were begun by serving a notice in writing upon one of the said commissioners and filing a copy of said notice with an affidavit annexed setting forth the service thereof in the office of the clerk of said court; and the said court shall have full power to review the proceedings of said commissioners in the premises, and the same or any award or assessment or other action to confirm, alter, modify, set aside or reverse in whole or in part for errors either of fact or in law; and the said court shall have full power to hear and try the same in a summary way, and may summon a jury to determine any question of fact; and the said court may proceed in due course according to the power of the court in other cases, and if the said court deem advisable, may refer back any assessment to said commissioners for them to make a new assessment under the direction of the court, and the determination of the said court shall be final and conclusive in the premises, and the said court, or any judge thereof may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken until such final determination.

Persons aggrieved by awarding of compensation for lands taken or used, &c., may appeal.

Township committee to keep ditches, drains, &c., in repair at expense of township.

13. *And be it enacted*, That whenever any ditch or ditches, drain or drains, or other channel or channels for the free passage of water shall have been constructed under this act, it shall be the duty of the township committee of the township in which [the same] are situate, to keep the same in repair at the expense of such township.

Court may extend time.

14. *And be it enacted*, That the time in which anything is required to be done in this act may be extended by the court to which the original petition was presented, for good reasons shown and on such terms and conditions as may be just, provided no rights are prejudiced thereby, and such extension may be granted after the time before limited has expired, and said court may make such other orders in the premises as they may deem just and reasonable according to law, and appoint a person to act as commissioner in place of any commissioner who shall die, resign or become otherwise disqualified to act.

Vacancies—how filled.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLIX.

An Act to authorize the abatement of nuisances in cities, and to make the cost and expense of such abatement a lien upon lands wherein such nuisances existed.

Grand jury, upon petition of five freeholders, may investigate and make presentment to court of existence of nuisances.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed by at least five freeholders, residents of any city of this state, stating that a nuisance exists upon any lots or lands within or adjacent to the boundaries of any such city, by reason of stagnant water, or because such lots or lands are not filled in sufficiently to make them dry and healthy, or because buildings are in danger of falling for want of proper foundation, shall be presented to the grand jury of the county in which such

city may be situate, it shall be the duty of such grand jury to investigate the matters contained in such petition forthwith, and for that purpose such grand jury shall have power to call and examine witnesses, and to view the premises whereon such nuisance is alleged to exist; and if such grand jury shall be of the opinion that a nuisance does exist, they shall forthwith make presentment to the court of oyer and terminer of such county, that in their judgment and opinion such nuisance does exist and should be abated.

2. *And be it enacted*, That as soon as said presentment shall have been made, it shall be the duty of the prosecutor of the pleas of such county to apply to said court of oyer and terminer to fix a time for the trial of the matters contained in such presentment, and such time having been appointed, the said prosecutor shall serve a notice upon the owner of the premises whereon such nuisance is alleged to exist, informing such owner of the time and place when and where the truth of the matters contained in such presentment will be tried, and notifying such owners to appear and make defence; which notice shall be served personally upon such owner, if found in the state, and if not so found, then said notice shall be served in such manner as the court shall order, either by publication or personal service out of the state.

Prosecutors of
pleas to apply
to court for
trial of matters
presented.

3. *And be it enacted*, That said court shall also award a venire to summon a jury, as in other trials of issues in said court; and on the day fixed for trial the said matter shall be tried, unless adjourned by order of the court, whether the owner of such premises appear or not, and such trial shall be conducted in all respects as other trials by jury in said court; and the court shall have full power and authority to make all necessary orders or rules for the speedy and expeditious determination of the matters contained in such presentment.

Court to award
a venire to
summon a jury
to try cause.

4. *And be it enacted*, That if such jury shall determine that no nuisance exists as set forth in such presentment, judgment shall be entered accordingly and the costs be paid by the parties petitioning, and execution may be issued therefore; but if such jury shall determine that such nuisance does exist, then the court shall give judgment against the owner of the premises whereon such nuisance is found to exist, and also that the nuisance be abated by such early day as the court shall appoint; and if it shall appear to the court by affidavit that such nuisance has not been abated by such day, then it

Costs paid by
petitioners if
jury determine
that no nuis-
ance exists.

Judgment to be
entered against
owner if nuis-
ance is found
to exist, and
that same be
abated, &c.

shall be the duty of the clerk of the court to certify the judgment of the court to the municipal authorities of the city wherein such nuisance is found to be, and such authorities shall thereupon proceed to abate such nuisance in the most practical and economical manner.

Costs and expenses of abatement to be a first lien upon the lands.

5. *And be it enacted*, That as soon as such nuisance shall have been abated, a complete statement of the cost and expenses of such abatement shall be presented to the corporate authorities of such city, and if they approve the same such cost and expense shall thereupon become a first and paramount lien upon the lands and premises whereon such nuisance had existed, in the same manner that taxes are a lien under the charter of such city; and they shall transmit the same to the collector or receiver of the revenues of such city, who shall proceed to collect the amount of such cost and expense, as taxes and assessments for improvements are collected.

Costs and expenses—by whom and how collected.

Failure to pay, lands to be sold.

6. *And be it enacted*, That if such cost and expense of abatement be not paid to such collector or receiver within ninety days from the date of approval by the corporate authorities of such city, such collector or receiver shall return the same in like manner as return is made of unpaid taxes and assessments, and the corporate authorities shall thereupon direct the sale of the lands whereon such nuisance had been abated, and the clerk of such city shall thereupon proceed to advertise, and sell the same in the same manner as lands are sold under the charter of such city for non-payment of taxes and assessments; and a declaration of sale shall be issued to the purchaser thereof, as under sales for taxes; *provided*, that the owner of such premises or any person holding any encumbrance thereon, shall have such right to redeem such premises as is provided by the charter of such city, in cases of sale for non-payment of taxes and assessments.

Proviso.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLX.

An Act to provide for any deficiency in the appropriation of salary account in schools of cities,

WHEREAS, There is a deficiency in certain cities of this state Preamble.
in the appropriation made for the present fiscal year, in salary account of said schools; and *whereas*, there are no means of remedying said deficiency without aid from the legislature; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation or aldermen, or any governing bodies in said cities, be and are hereby authorized and directed to borrow any amount of money which may be necessary to make good any deficiency made, or to be made, in the salary account of any school department in said city as aforesaid, and to apply the said amount to the board of education as part of an appropriation added to the appropriation of the present fiscal year, of said salary account; and for the purpose of such appropriation, the said governing body shall supply the deficiency as aforesaid, in the tax levy of the coming fiscal year; and they may issue proper evidences of indebtedness therefor, which shall be signed by the mayor, sealed with their seal, and attested by the clerk of the said board of finance and taxation, aldermen or other governing body, as the case may be, for the purpose of providing for the repayment of said borrowed money aforesaid. Corporate authorities authorized to borrow money and provide for deficiency in salary account of school department.

2. *And be it enacted*, That this act shall take effect immediately. Evidences of indebtedness may be issued.

Approved March 24, 1881.

CHAPTER CLXI.

Supplement to an act entitled "An act for the better preservation of the early records of the state of New Jersey," passed March twenty-ninth, one thousand eight hundred and seventy-two.

Appropriation
to procure
copies of pa-
pers, records,
&c., and print-
ing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the Historical Society of New Jersey to carry out more fully the purposes of said act and the supplements thereto, in procuring copies of all papers in the public record offices of England, or elsewhere, referring to the early history of New Jersey, and in arranging, collating, editing and printing the same, the sum of three thousand dollars annually for three years is hereby appropriated, the said sum or sums of money to be paid to the said society as required for the said purposes, by the state treasurer, on warrant of the comptroller.

Volumes to be
deposited in
the state
library.

2. *And be it enacted*, That the printed volumes, as completed, shall be deposited with the commissioners of the state library, and that each issue shall be distributed by them as follows: five hundred copies to the New Jersey Historical Society, for its use, and for distribution among other historical institutions; the remainder to be by the said commissioners distributed among the various state and other public libraries of the United States, that they may designate, and to the various departments and offices of this state, and to the officers in charge thereof.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXII.

Supplement to an act entitled "An act concerning mortgages."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful to foreclose any chattel mortgage not exceeding the principal sum of two hundred dollars, in the inferior court of common pleas in the county where the chattel mortgage is recorded, and the proceedings of foreclosure thereon shall be begun by summons, and the action be styled an action "in debt on foreclosure of chattel mortgage;" and that the complainant file, with his declaration, the chattel mortgage and note or other obligation (if any accompanying it), and the proceedings in all other respects be conducted as other suits in action of debt are conducted.

2. *And be it enacted*, That the costs of a suit upon foreclosure under this act be one-half of the costs of suits as now are allowed by law in the inferior court of common pleas, and, upon judgment, execution shall issue for and against the chattels specified in the mortgage, for the amount of judgment and costs only.

3. *And be it enacted*, That this shall be a public act, to take effect immediately, and all acts and parts of acts inconsistent with the same be and the same are hereby repealed.

Approved March 24, 1881.

CHAPTER CLXIII.

An Act to repeal an act entitled "A further act respecting county physicians," approved March thirteenth, one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further act respecting county physicians," approved March thirteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXIV.

An Act providing for the establishment of schools for industrial education.

Preamble.

WHEREAS, The establishment of well conducted and liberally supported schools for the training and education of pupils in industrial and mechanical pursuits must tend to supply a growing want in our community of skilled mechanics, artisans and agriculturists; *and whereas*, it is especially the duty of the state to afford good educational facilities to its youth in those technical studies which are directly associated with the material prosperity of its people; therefore,

Governor authorized to draw amount of money equal to amount contributed for the establishment of schools for industrial education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any board of education, school committee, or other like body, of any city, town, or township in this state, shall certify to the governor that a sum of money, not less than three thousand dollars, has been contributed by voluntary subscriptions of citizens, or otherwise, as hereinafter authorized, for the establishment in any such city, town or township of a school or schools for industrial education, it shall be the duty of the said governor to cause to be drawn, by warrant of the comptroller, approved by himself, out of any moneys in the state treasury not otherwise appropriated, an amount equal to that contributed by the particular locality as aforesaid for the said object; and when any such school or schools shall have been established in any

locality as aforesaid, there shall be annually contributed by the state, in manner aforesaid, for the maintenance and support thereof, a sum of money equal to that contributed each year in said locality for such purpose; *provided, however, that* the moneys contributed by the state, as aforesaid, to any locality shall not exceed in any one year the sum of five thousand dollars. Proviso.

2. *And be it enacted,* That all moneys raised and contributed as aforesaid shall be applied under the direction of a board of trustees, organized as hereinafter provided, to the establishment and support of schools for the training and education of pupils in industrial pursuits (including agriculture), so as to enable them to perfect themselves in the several branches of industry which require technical instruction. Moneys raised and contributed applied under direction of board of trustees.

3. *And be it enacted,* That any city, town or township shall have power to appropriate and raise by tax for the support of any such school therein, such sum of money as they may deem expedient and just. Cities, towns and townships empowered to raise by tax sum for support of schools.

4. *And be it enacted,* That there shall be a board of trustees of each of such schools, which shall consist of the governor, ex-officio, who shall be president thereof, two persons selected by the state board of education, two by citizens and associations contributing, two by the board of education, school committee, or other like body of the locality where such school is established, and one by the common council, township committee, or other governing body thereof, if such city, town or township shall contribute to the maintenance of such school; the said board of trustees shall have control of the buildings and grounds owned and used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment and removal of teachers, the power to prescribe the studies and exercises of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; they shall report annually to the state and local boards of education their own doings and the progress and condition of the schools. Board of trustees—how constituted.

5. *And be it enacted,* That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties, shall be paid upon the approval of the governor. Expenses of trustees—how paid.

Repealer.

6. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall go into effect immediately.

Approved March 24, 1881.

CHAPTER CLXVI.

A Further Supplement to an act entitled "An act concerning evidence" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Public records
of any foreign
state, &c., to be
admitted as
evidence.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any public record of any foreign state, county or city, or of any court therein, or any copy thereof, which is admissible in such state, county or city or in any court therein to prove the facts therein contained, shall be admitted in evidence in the courts of this state, and shall be evidence of the facts therein contained to the same extent as though the original papers, of which the record thereof is a copy, had been produced and proved; *provided*, that wherever a copy of any such record shall be offered in evidence, the same shall not be admitted, unless the same shall have been first exemplified according to the laws of the United States of America.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXVII.

A Supplement to an act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement be and the same is hereby amended so that that the said amended section shall be and read as follows:

2. *And be it enacted*, That if any person shall be found offending in any county, city, township, borough or district in this state, against this act, it shall and may be lawful for any constable or police officer of such place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, to apprehend and convey such person to a justice of the peace or other magistrate of such place, who shall examine such person, and may commit him or her, being thereof legally convicted before him by the oath or affirmation of one or more credible witnesses, other than the officer making the arrest, to labor upon any county farm, or upon the streets, roads and highways of any city, township or borough, or in any house of correction, poor house, work house or common jail, for a term not exceeding six months; and shall forthwith commit him or her to the custody of the steward, keeper or superintendent of such county farm, house of correction, poor house, work house or common jail, or to the supervisor or overseer of highways, street commissioners, or any other officer or officers having in charge the repairs of any street, road or highway, or overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in their judgment shall be deemed most expedient.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

Section amended.

Constable or police officer to apprehend and convey offender before a magistrate.

Magistrate may commit person to labor upon county farm, streets, &c.

CHAPTER CLXVIII.

Supplement to an act entitled "An act in relation to encumbered cities," approved March seventeenth, one thousand eight hundred and eighty-one.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement shall be and is hereby amended so as to read as follows :

Annual interest on bonds issued and exchanged, to be raised by taxation.

4. *And be it enacted*, That the annual interest on such bonds as shall be so issued and exchanged, shall be raised by taxation by the proper authorities of any such city, for that purpose, together with such sum as shall be levied by such city council or other legislative body, for application to a sinking fund for the payment of the principal thereof, if any, and such interest and sum for principal, if any, shall be raised by taxation and paid by the proper municipal authorities of any such city before the interest on any bonds or other evidences of the indebtedness of such city, in existence at the time of the issue of the bonds authorized by this act, or the principal, or any part thereof, of any indebtedness of such city arising after the execution of the bonds authorized by this act, except such temporary indebtedness as may be incurred in any one year in anticipation of taxes for the current expenses of the city government for that year; and this supplemental act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXIX.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments, and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate

Taxes and assessments upon real property may be paid to collector of taxes.

Upon payment, taxes or assessments shall cease to be a lien.

Proviso.

Proviso.

for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *and provided further*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXX.

A Further Supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Appropriation
to state library.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifteen hundred dollars be and the same is hereby appropriated for the improvement and increase of the state library, the said sum to be drawn from the treasury of the state by the commissioners of the state library and expended under their direction in the repair, preservation and purchase of useful books.

Appropriation
for fire-proof
safe.

2. *And be it enacted*, That the sum of five hundred dollars is hereby appropriated for the purchase of a fire-proof safe, to be placed in the state library, in which shall be kept such manuscripts, autograph letters, records and other papers as the commissioners of the state library shall deem valuable; that said purchase shall be effected and said sum shall be drawn from the treasury of the state by the commissioners of the state library.

Repealer.

3. *And be it enacted*, That all acts or parts of acts in conflict herewith, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXXI.

An Act providing for the support of the State Industrial School for Girls.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Appropriation.} *the State of New Jersey,* That for the support and maintenance of the state industrial school for girls, and for necessary repairs, the sum of seven thousand five hundred dollars be and is hereby appropriated, and that the state treasurer is directed to pay the same on the warrant of the comptroller.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXXII.

An Act to amend an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Section} *the State of New Jersey,* That section sixteen of the act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, be so amended as to read as follows: ^{amended.}

16. *And be it enacted,* That the fees, charges and expenses ^{Fees, expenses, &c., for services to be included in} incurred for services rendered under this act, shall be included in the amount to be paid by the delinquent, and that upon

amount to be paid by delinquent.

Clerk of county to satisfy tax record on presentation of receipt.

Repealer

payment of such taxes, costs and expenses, the collector who shall receive the same, shall give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt shall be sufficient evidence of the payment of such tax, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as the record of mortgages is now by law satisfied, and shall file such receipt in his office.

2. *And be it enacted*, That so much of said act as is inconsistent with the provisions of this act be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXXIII.

An Act to amend and to partially consolidate the several game laws of this state.

Penalty for killing or selling woodcock between certain times.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, no person shall kill, take, expose for sale, or have unlawfully in his or her possession, after the same has been killed, any woodcock, except only between the first day of July and the first day of August, and between the last day of September and the sixteenth day of December, in any year, under a penalty of fifteen dollars for each bird killed, taken, exposed for sale, or had in possession, contrary to the provisions of this section.

Penalty for killing or exposing for sale any grouse, quail or rabbit between certain times.

2. *And be it enacted*, That no person shall kill, take expose for sale, or have unlawfully in his or her possession, after the same has been killed, any ruffed grouse (commonly called pheasant), or quail (sometimes called Virginia partridge), except only between the last day of October and the last day of December, in any year, or any rabbit between the last day of October and the last day of December in any year, under a penalty of fifteen dollars for each rabbit, grouse or quail

killed, taken, exposed for sale, or had in possession, contrary to the provisions of this section.

3. *And be it enacted*, That the penalties imposed by this act may be sued for and recovered, with costs of suit, in an action of debt, by any person, before any judge of any city district court in, or justice of the peace of, the county wherein such offence shall have been committed, or in any county wherein such offender may reside or be apprehended; two-thirds of such penalty money shall be for the benefit of the person prosecuting the same, and the remaining one-third shall be paid to the collector of the township wherein the offence shall have been committed, for the use of the township; and in case the defendant in any suit shall neglect or refuse to pay the amount recovered against him, or her, it shall be lawful for the judge or justice, before whom judgment has been obtained, to issue his process against the body of the defendant, and he shall cause him to be committed to the jail of the county in which the offence was committed, until the judgment and costs are paid, the imprisonment, however, not to exceed sixty days from the date of such commitment.

Penalties—how
sued and re-
covered.

4. *And be it enacted*, That all laws now existing, relative to the preservation of game treated of in this act, be and the same are, so far as the same are inconsistent with this act, but no farther, hereby repealed.

Repealer.

5. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXXIV.

An Act exempting firemen from taxation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all members of an organized volunteer fire department of any town, city, borough or township of this state, under the control of any town committee, common council or municipal corporation, which are now or

Members of
volunteer fire
departments
exempt from
payment of
taxes to
amount of five
dollars.

may hereafter be established, shall be exempt from the payment of taxes to said town, township, city and borough, to the extent and in the manner following, to wit: If the sum, at any one time, assessed by any assessor upon any member of said fire department, shall not exceed the sum of five dollars, then such member shall be exempt from the payment of taxes upon such assessment; if the sum, at any time, exceeds the sum of five dollars assessed against any member, then such member shall have credit for the sum of five dollars on the amount assessed against such member, and the amount over and above said five dollars shall be paid by said member, or collected in the same way and manner as directed for the collection of taxes.

Certificate of
chief engineer,
assistant or
mayor, vouch-
er and author-
ity for assessor
and collector.

2. *And be it enacted*, That the certificate of the chief engineer, or of the assistant engineer, or of the mayor, or either of them, shall be a sufficient voucher and authority for the assessor of any township, city, town or borough, or the collector of taxes of any town, city, borough or township, to deduct the sum of five dollars from any tax assessed by any assessor against any member of a volunteer fire department under the control of any town committee, common council or any other municipal authority, by law authorized to organize a fire department.

3. *And be it enacted*, That this act shall take effect immediately, and any act or part of act conflicting with this act is hereby repealed.

Approved March 24, 1881.

CHAPTER CLXXV.

An Act relative to a proposed international exposition to be held in New York in the year one thousand eight hundred and eighty-three.

Preamble.

WHEREAS, It is proposed to hold an international exposition in the city of New York in the year one thousand eight hundred and eighty-three, and it is proper that timely

preparation be made to care for the interests of the state of New Jersey in connection therewith ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be, and he is hereby authorized and requested to nominate, and by and with the advice and consent of the senate, to appoint commissioners from this state to co-operate with the United States international commission, formed for the purpose of holding the said exhibition. Governor authorized to appoint commissioners.

2. *And be it enacted*, That of the commissioners so appointed, one shall be from each congressional district of this state, and shall be a resident of such district, and the person so appointed, together with the United States commissioners from this state, shall constitute a board whose duty it shall be to co-operate with the United States international commission in forwarding and encouraging the object of the said commission ; to stimulate and encourage such action as will secure a proper representation of the several industries and interests of this state in the proposed exhibition ; they shall disseminate throughout the state such information as will enable the [manufacturers] and producers of New Jersey to take such timely action as may be necessary, and they shall organize, direct and have general supervision of the department of this state in the proposed exhibition. Commissioners to be resident of congressional district.

3. *And be it enacted*, That the said board shall effect an organization on or before the first day of June, one thousand eight hundred and eighty-one, by the election from their number of such officers as they may deem necessary ; they may elect a secretary not of their own number ; they shall continue in office until the business of the said exhibition, so far as it effects or is connected with this state, is completed and settled ; they shall receive no compensation for their services, but their bills for stationery, postage, and such other necessary and reasonable expenses as they may incur in the discharge of their duties, shall be paid from the state treasury upon the warrant of the comptroller, upon such vouchers as he shall require. Duties of commissioners.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXXVI.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, in the year one thousand eight hundred and seventy-five.

Actions here-
after com-
menced affect-
ing or concern-
ing title to
lands, may be
proceeded
against person
claiming any
right, title, &c.,
or his heirs,
devisees, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions hereafter commenced in the court of chancery of New Jersey, by bill of complaint affecting or concerning the title to any lands lying in the state of New Jersey, mentioned and described in said bill, whenever it shall appear by the allegations of the said bill of complaint, duly verified by the affidavit of the complainant or his agent or solicitor thereto annexed, that any person mentioned in said bill of complaint as having or having had, or claiming or having claimed, or believed by the complainant to claim or to have claimed any right, title, interest or estate in or to said lands or any part thereof, or his heirs, devisees or personal representatives are proper parties defendant to said bill of complaint; and that the complainant, after diligent and careful inquiry therefor, made as in case of absent defendants, has been unable to ascertain whether such person is still alive, or if he is known or believed to be dead, has been unable to ascertain the names and residence of his heirs, devisees or personal representatives, or of such of them as are proper parties defendant as aforesaid, such action may proceed against such person by name, and his heirs, devisees and personal representatives as in the case of absent defendants whose names are known; *provided, nevertheless*, that such notice as is now required by law to be published against absent defendants in default of personal service, addressed to such person by name, and to "his heirs, devisees and personal representatives," and containing such further statements, and giving such further time as the chancellor may by his order direct, be first published and mailed in such manner as the chancellor may by his order in said action direct; and in case such person, or

Proviso.

his heirs, devisees or personal representatives shall not appear, plead, answer or demur within the time limited in said notice, or further allowed by the chancellor, if he shall think proper, on proof to the satisfaction of the chancellor of mailing and publication of said notice as directed, such action may proceed in all respects as though such person or his heirs, devisees or personal representatives had been duly named and described and served with process of subpoena in said action, and had failed to appear, plead, answer or demur to the complainants' bill of complaint within the time thereto allowed by law.

2. *And be it enacted*, That all such defendants and all persons falling within the description of "heirs, devisees or personal representatives" of the defendant supposed to be dead, as aforesaid, shall thereupon be bound by all orders and decrees in said cause, as if they had been duly named and described and served with process within this state.

Defendants, heirs, devisees, &c., bound by all orders, decrees in cause.

3. *And be it enacted*, That proofs may be made, costs allowed, security ordered, and proceedings for restitution or other relief from said decrees and orders had, in like manner as the same are now allowed by law in the case of absent defendants.

Proofs, costs, security and proceedings may be allowed and had, as in case of absent defendants.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXXVII.

A Supplément to the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad company incorporated by or under the laws of this state, and actually built and in operation, and such railroad company, or any predecessor of such company, shall have failed to acquire a

Railroad companies may acquire lands, and perfect title to same.

Proviso.

perfect or indefeasible title to lands which it was authorized to acquire for its track or other corporate purpose, or the title originally acquired shall have been defeated or extinguished, it shall be lawful for such company to acquire any such lands or outstanding estate, or interest therein, and perfect its title thereto, in the manner prescribed by the act or acts under which such railroad, or any part thereof, may have been originally constructed, or by the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, so far as the same relates to the acquisition of land for railroad purposes; *provided*, that nothing herein contained shall be construed to authorize the taking of a greater quantity of land or lands for any other purpose or use, than was authorized by the act or acts under which such railroad was originally constructed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXVIII.

An Act to authorize railroad companies incorporated under the laws of this and adjoining states, to merge and consolidate their corporate franchises and other property.

Railroad companies or corporations authorized to merge and consolidate capital stock, franchises, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company or corporation, organized under the laws of this state, to merge and consolidate their capital stock, franchises and property, with those of any railroad company or companies of this or any adjoining state, whenever the said railroads so to be consolidated shall or may form a continuous line of railroad.

2. *And be it enacted*, That said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereafter in this act mentioned and contained, that is to say :

Consolidation to be made under certain conditions and powers.

I. The directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of the company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence ; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads ;

To enter into joint agreement for consolidation, prescribing terms and conditions, &c.

II. Said agreement shall be submitted to the stockholders of each of said companies or corporations at a meeting thereof, called separately, for the purpose of taking the same into consideration ; due notice of the time and place of holding such meeting, and the object thereof, and delivered to such persons respectively, or sent to them by mail, when their post-office address is known to the company ; and, also, by a general notice published in some newspaper in the city, town, or county where such company has its principal office or place of business ; and at said meeting of stockholders the agreement of the said directors shall be considered, and a vote, by ballot, taken by each company separately, for the adoption or rejection of the same, each share entitling the holder thereof to one vote ; and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders voting separately shall be for adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof ; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall, from thence, be deemed and taken to be the agreement and act of consolidation of the said companies ; and a copy of said agreement and act of consolidation, duly certified by the secretary of state,

Agreement to be submitted to stockholders of each corporation.

When adopted by two thirds vote of stockholders, agreement or copy to be filed in office of secretary of state.

under the seal thereof, shall be evidence of the existence of said new corporation.

When agreement and act of consolidation is perfected and filed, corporations deemed one, and possessed with all rights, &c.

3. *And be it enacted*, That upon the making and perfecting the agreement and act of consolidation, as provided in the preceding section, and filing the same, or a copy, with the secretary of state as aforesaid, the several corporations parties thereto shall be deemed and taken to be one corporation, by the name provided in said agreement and act, possessing within this state all rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of each of such corporations so consolidated.

Franchises, rights, &c., of corporations deemed transferred to and belonging to new corporation.

4. *And be it enacted*, That upon the consummation of said act of consolidation as aforesaid, all and singular, the rights, privileges and franchises of each of said corporations, parties to the same, and all property, real personal and mixed, and all debts, due on whatever account, as well as of stock subscriptions and other things in action belonging to each of such corporations, shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed; and all property, all rights of way, and all and every other interests shall be as effectually the property of the new corporation as they were of the former corporations, parties by said agreement; and the title to real estate, either by deed or otherwise, under the laws of this state, vested in either of such corporations, shall not be deemed to revert, or be in any way impaired by reason of this act; *provided, however*, that all rights of creditors and all liens upon the property of either of said corporations shall be preserved unimpaired, and the respective corporations may be deemed to continue in existence to preserve the same; and all debts, liabilities and duties of either of said companies shall thenceforth attach to said new corporation, and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Proviso.

New company may establish offices, one of which shall be in this state.

5. *And be it enacted*, That such new company shall, as soon as convenient, after such consolidation, establish such offices as may be desirable, one of which shall be at some point in this state, on the line of its road, and may change the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

6. *And be it enacted*, That suits may be brought and main-
tained against such new company in any of the courts of this
state, in the same manner as against other railroad companies
therein.

How suits may
be brought and
maintained.

7. *And be it enacted*, That that portion of the road of such
consolidated company in this state, and all its real estate and
other property, shall be subject to like taxation, and assessed
in the same manner and with like effect as property of other
railroad companies within this state; but this act shall not
be construed to affect the liability of any railroad corporation
to pay the taxes now imposed on it by law.

Real estate and
property of
company sub-
ject to taxation,
&c.

8. *And be it enacted*, That any stockholder of any com-
pany hereby authorized to consolidate with any other, who
shall refuse to convert his stock into the stock of the consoli-
dated company may, at any time within thirty days after the
adoption of the said agreement of consolidation by the stock-
holders as in this act provided, apply, by petition, to the
court of common pleas of the county in which the chief office
of said company may be kept, or to a judge of said court in
vacation, if no such court sits within said period, on reasona-
ble notice to said company, to appoint three disinterested per-
sons to estimate the damage, if any, done to such stockholder
by said proposed consolidation, and whose award, or that of a
majority of them, when confirmed by the said court, shall be
final and conclusive, and the person so appointed shall also
appraise said stock of such stockholder at the full market
value thereof, without regard to any depreciation or apprecia-
tion in consequence of the said consolidation, and the said
company may, at its election, either pay to the said stock-
holder the amount of damages so found and awarded, if any,
or the value of the stock so ascertained and determined, and
upon the payment of the value of the stock as aforesaid, the
said stockholder shall transfer the stock so held by him to
said company, to be disposed of by the directors of said com-
pany, or be retained for the benefit of the remaining stock-
holders; and in case the value of said stock as aforesaid is not
so paid within thirty days from the filing of the said award
and confirmation by said court and notice to said company,
the damages so found and confirmed shall be a judgment
against said company, and collected as other judgments in
said court are, by law, recoverable.

Any stockhold-
er refusing to
convert stock
into that of
consolidated
company, may
petition court
to appoint per-
sons to esti-
mate damages.

Award—how
made, and to
be final and
conclusive.

Value of stock
not paid within
certain time—
how collected.

Consolidated
company au-
thorized to is-
sue bonds, &c.

9. *And be it enacted*, That in all cases of merger or consolidation of two or more railroad companies under and by virtue of the provisions of this act, the said consolidated company shall have power and authority to issue bonds with coupons or interest certificates thereto attached, to an amount sufficient to cover all the indebtedness of the companies so merged and consolidated, and to aid in the completion and equipment of said railroad, to secure the payment of which it shall be lawful for them to create a mortgage covering their corporate franchises, rights, privileges and property, real and personal; *provided*, that the bonds shall not bear a greater rate of interest than six per cent. per annum; the bonds so issued may be given in lieu, exchange and satisfaction of and for all bonds or other debts against the companies thus merged and consolidated, upon such terms as may be agreed upon by and between the holders of said debts or claims.

Provide.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXIX.

A Further Supplement to the act entitled "An act concerning mortgages," approved March twenty-seventh, one thousand eight hundred and seventy four.

Mortgagee or
owner invested
with right to
possession of
chattels for
purpose of pre-
venting re-
moval out of
county and re-
covering same.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That every chattel mortgage shall vest in the mortgagee, or owner thereof, the right to the possession of the chattels therein described, so far as may be necessary for the purpose of preventing the removal thereof out of the county wherein they did lie at the time of the execution or delivery of such mortgage, and of recovering such chattels in case the same shall have been removed out of such county.

Court may reg-
ulate disposi-
tion of chattels
when removed
out of county

2. *And be it enacted*, That when such chattels shall be so removed by any party and recovered by the mortgagee or owner of the mortgage by means of legal proceedings, or when the

removal thereof shall be prevented by like proceedings, the court in which such proceedings are had may regulate the disposition of such chattels, and prescribe such terms for the possession thereof by the mortgagee or other person interested therein as will protect the rights of such mortgagee, or owner of such mortgage. and recovered by mortgagee or owner.

3. *And be it enacted*, That the above provisions shall not apply to any vessel, rolling stock of railroads, or to any chattels which in the ordinary use thereof at the time of the execution of the mortgage, are taken from time to time, out of the county wherein they did lie when so mortgaged. Provisions not to apply to vessels, rolling stock of railroads, &c.

4. *And be it enacted*, That every mortgage, or conveyance intended to operate as a mortgage, of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage be recorded as directed in the succeeding section of this act. Mortgages of goods and chattels, not accompanied by immediate delivery, void as against creditors, &c., unless mortgage is recorded.

5. *And be it enacted*, That the instruments mentioned in the preceding section shall be recorded in the clerk's office of the county wherein the mortgagor, if a resident of this state, shall reside at the time of the execution thereof; and if not a resident of this state, then in the clerk's office of the county where the property so mortgaged shall be at the time of the execution of such instrument; *provided*, that in any county where the officer of register of deeds exists, or hereafter may be created, such instruments shall be recorded in the office of such register. Mortgages to be recorded in clerk's office where mortgagor resides. Proviso.

6. *And be it enacted*, That no chattel mortgage or conveyance intended to operate as a mortgage of goods and chattels, shall be recorded unless the execution thereof shall be first acknowledged or proved, and such acknowledgment or proof certified thereon in the manner prescribed by the act entitled "An act respecting conveyances." When chattel mortgages shall not be recorded.

7. *And be it enacted*, That the clerks and registers of the several counties of this state are hereby authorized to provide suitable books, at the expense of their respective counties, in which to record the instruments by this act directed to be recorded; and it shall be the duty of the said clerks and registers to record said instruments in accordance with the provis- Clerks and registers of counties to provide books and record mortgages.

ions of this act; and the said clerks and registers shall respectively enter at the foot of the record of each mortgage and instrument so recorded, the time when such mortgage or instrument was received by him in his office to be recorded, and shall endorse on each mortgage and instrument when recorded as aforesaid, the time when the same was delivered to him at his office to be recorded, and the book and page in which the same has been recorded and shall thereupon deliver the same to the party entitled to it or to his order.

Chattel mortgages to be indexed, and fees of clerks and registers.

8. *And be it enacted*, That such chattel mortgages shall be properly indexed, and the records and certified copies thereof shall be evidence in the same manner and in like cases as the record of deeds, and the said clerks and registers shall be entitled to the same fees for recording and indexing such chattel mortgages, and for copying such records as they are entitled to for the recording, indexing and copying deeds.

Chattel mortgage recorded, valid against creditors of mortgagors and purchasers.

9. *And be it enacted*, That every chattel mortgage hereafter recorded pursuant to the provisions of this act shall be valid against the creditors of the mortgagor, and against subsequent purchasers and mortgagees from the time of the recording thereof until the same be cancelled of record in the manner now provided by law for cancelling of mortgages of real estate.

Chattel mortgage heretofore recorded, valid against maker and creditor, &c.

10. *And be it enacted*, That every chattel mortgage heretofore recorded according to the provisions of the act entitled "A further supplement to the act entitled 'An act respecting mortgages,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which said further supplement was approved March the twelfth, one thousand eight hundred and eighty, shall be valid as against the maker thereof and his creditors, and as against subsequent purchasers and mortgagees until the same be cancelled of record in the manner now provided by law for the cancelling of mortgages of real estate.

Chattel mortgages now filed shall cease to be valid against creditors, &c., unless recorded within one year from the passage of this act.

11. *And be it enacted*, That every chattel mortgage now filed in pursuance of the laws of this state, and which now under the laws of this state exist as valid against the creditors of the person making the same, or against purchasers or mortgagees in good faith shall cease to be valid as against creditors, purchasers and mortgagees unless on or before the expiration of one year from the passage of this act, the mortgagee or owner thereof cause a true copy of said mortgage,

together with a statement in writing, under oath, exhibiting the interest of said mortgagee in the property therein claimed by him by virtue thereof, to be recorded according to the provisions of this act, which said copy together with said statement the clerks and registers of the several counties of this state are authorized and required to record, and the said mortgage shall thereafter be valid as against said creditors, purchasers and mortgagees for the amount specified in said statement, until the same be cancelled of record in the manner now provided by law for cancelling mortgages of real estate, and the record of said copy and statement or certified copies thereof shall be received in evidence of the facts therein contained.

12. *And be it enacted*, That the said clerks and registers shall be entitled to receive the same fees for recording said copies and statements, and for indexing the same, and for copies of such records as they are entitled to for the same services in the recording, indexing and copying of deeds. Fees of county clerks and registers.

13. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 25, 1881.

CHAPTER CLXXX.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ninety-two of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and is hereby amended so as to read as follows : Section amended.

School district or city using school money, for other than public school purposes, to forfeit certain sum.

Proviso.

92. *And be it enacted*, That in case any school district or city shall use any of the school money apportioned to it for any other than public school purposes, as these purposes are defined and limited in the ninety-first section of this act, such district or city shall forfeit, out of the next annual apportionment, a sum equal to twice the amount thus used ; and it shall be the duty of the county superintendent to reapportion the money thus forfeited among the other districts and cities of his county ; *provided*, the state superintendent may remit such penalty for cause.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXI.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy-six, and which section, as amended by a supplement approved March fourteenth, one thousand eight hundred and seventy-eight, be amended as follows :

Proviso

Provided, further, that nothing in section four shall be deemed, taken or construed to authorize said supervisor or board of inspectors, to contract with any person or corporation to hire or contract out the labor of the prisoners, or any part of them, exceeding one hundred persons in number, at any time, in the prosecution or conduct of any special branch of industry, trade or business or making or manufacturing goods, wares or merchandise of any kind whatsoever.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXII.

An Act to repeal an act incorporating the inhabitants of townships, designating their powers and regulating their meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to an act incorporating the inhabitants of townships, designating their powers and regulating their meetings, approved March fourth, one thousand eight hundred and eighty, be and is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXIII.

Supplement to an act entitled "An act to regulate the manufacture in the state of nitro-glycerine and its compounds," approved March twenty-fourth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of this act be extended to, embrace, and include the manufacturing and storing of nitro-naphthaline, blasting powder, or any material of Provisions of act extended, to include the manufacturing of certain mater.

which nitro-naphthaline is an essential ingredient or forms a component part.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXIV.

A Supplement to act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogate," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Surrogates to
index records.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the surrogate to keep all papers and records appertaining to his office properly indexed in an alphabetical manner, in which records of all the official acts (which are made of records in said office) of the previous week (so far as the same can be done) shall be recorded, properly indexed in manner aforesaid; any failure to perform said duties the surrogate shall forfeit and pay the sum of ten dollars for each and every week he shall neglect said duties, to be sued for and recovered by the director of the board of chosen freeholders in the county where the delinquency shall happen, in his own name, to be applied when recovered to and for the use of the county.

Penalty for
failure to per-
form duties,
and how re-
covered.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXV.

A Further Supplement to an act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities from fire insurance companies not organized under the laws of this state but doing business herein," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sums of money now in the hands of, or that may hereafter be received by the secretary of state from the insurance companies, on account of the license and tax of two per centum, and of all payments in lieu of said tax as are now or may hereafter be required by law to be paid by such companies, shall be by him distributed in equal shares to and among the treasurers of the several fire department relief funds, organized and maintained in this state, said distribution to be made on or before the first day of April in each year, but no such fire department relief association shall be entitled to or receive any distributive share of said money, unless it shall, before the first day of April in each year, file with the secretary of state a sworn statement, showing the names of its officers, with the amount of their respective fees, or salaries, if any, the names of its beneficiaries during or within the year next preceding such statement, the amount of money paid to each of such beneficiaries, and the amount of money, and of all other property in the possession of such association at the date of making said statement; and the secretary of state shall annually, on the first day of April, make a complete report to the comptroller of the amount of money distributed by him in accordance with the provisions of this act.

Secretary of state to distribute premiums received from foreign fire insurance to fire department relief funds.

Associations to file, annually, a statement of condition, &c., with secretary of state.

Secretary of state to make report to comptroller.

2. *And be it enacted*, That this shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXVI.

An Act for the protection of fish.

When unlawful to cast or draw with net in Delaware river, &c., above Trenton falls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to cast or draw any seine or net of a mesh of smaller size than four and one-half inches in the Delaware river above the foot of Trenton falls, between the first day of April and the fifteenth day of June in each year; and it shall not be lawful to cast or draw any seine or net in said river above the foot of Trenton falls, between the fifteenth day of June and the first day of November in any year, excepting small mesh nets used for the purpose of catching bait, and known as minnow nets.

Unlawful to catch black bass except with hook and line.

2. *And be it enacted*, That it shall not be lawful to take at any time in any of the waters under the jurisdiction of this state, any black bass or Oswego bass, with any contrivance or device, excepting with hook and line, in the manner commonly known as angling, or with scroll, spoon or artificial bait, in the manner usually known as trolling, nor shall it be lawful to place any set lines in the waters of this state inhabited by black bass, Oswego bass, landlocked salmon, salmon trout or brook trout.

When unlawful to catch black bass.

3. *And be it enacted*, That it shall not be lawful for any person to take from any of the waters under the jurisdiction of this state any black bass, or Oswego bass, before the first day of July, nor after the first day of November in any year.

When unlawful to place fyke nets.

4. *And be it enacted*, That it shall not be lawful to place any fyke nets in any of the waters under the jurisdiction of this state before the fifteenth day of June, nor after the tenth day of August; and it shall not be lawful at any time to place fyke nets at the confluence of any wing-dams in any of the streams of this state.

5. *And be it enacted*, That it shall not be lawful for any person to place in any of the streams of this state, which are runways of migratory fish, shingles, or other devices, to frighten the said fish, or deter them from ascending the said streams on their way to their spawning grounds. Unlawful to place devices in streams to frighten fish.

6. *And be it enacted*, That when any of the lakes, ponds or streams in this state have been stocked with game or food fishes by the commissioners of fisheries of this state at the public expense, it shall be unlawful to take fish from any of the said waters for the term of three years from the date of such stocking. Unlawful to take fish from lakes, ponds, &c., stocked with game or food fishes.

7. *And be it enacted*, That the penalty for the violation of any of the provisions of this act shall be twenty-five dollars for each offence; and it shall be the duty of the fish wardens of the several counties of this state to enforce this act by the removal and destruction of any of the appliances herein forbidden, and by the arrest and prosecution of any offenders against the provisions of this act. Penalty for violating the provisions of this act.

8. *And be it enacted*, That nothing in this act shall be construed to prevent the commissioners of fisheries of this state to take or to have taken under their direction fish from any of the waters of this state, at any time, for purposes connected with the performance of their duties. Act not to be construed to prevent commissioners of fisheries in performance of duties.

9. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby abrogated and repealed, and this act shall take effect immediately. Repealer.

Approved March 25, 1881.

CHAPTER CLXXXVII.

An Act concerning railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company incorporated under the laws of any other state, when it has consolidated or merged its stock, property or franchises with any railroad company incorporated under the Railroad companies consolidated may borrow money to finish, extend and equip road,

and to issue
bonds and se-
cure same by
mortgage.

laws of this state, under the provisions of any law or statute relating thereto, to borrow any amount of money to aid in finishing, extending and equipping their railroad; to issue coupon bonds therefor, of the denomination of one thousand dollars each, and secure the payment of the same by a mortgage covering the whole or any part of the property and franchises so merged and consolidated; and said mortgage shall be a valid lien when properly executed and recorded upon the property therein described; *provided, however*, said bonds shall bear no greater rate of interest than six per centum per annum.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, shall be void.

Approved March 25, 1881.

CHAPTER CLXXXVIII.

An Act to amend and supplement "An act relative to habitual drunkards," approved March third, one thousand eight hundred and fifty-three.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act relative to habitual drunkards," approved March third, one thousand eight hundred and fifty-three, be and the same is hereby amended so as to read as follows:

Court of chan-
cery author-
ized to issue
commission to
inquire into
the habitual
drunkenness of
person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the court of chancery to issue a commission in the nature of a writ de lunatico inquirendo, as heretofore practiced and allowed, and returnable thereto, to inquire into the habitual drunkenness of any person in this state, and in case of habitual drunkenness found, by reason of which such habitual drunkard has become incapable of controlling or managing himself or his estate, or is wasting his estate, the chancellor shall cause to be

transmitted to the orphans' court of the county where such habitual drunkard may reside, a certified copy of all proceedings which may be had thereon, which shall be recorded and filed in the surrogate's office of said county, and thereupon the said orphans' court, upon application for that purpose, is hereby directed and required to appoint a guardian or guardians for such habitual drunkard, who shall have the same power over the person and estate of such habitual drunkard, and perform the same duties and be subject to the same liabilities, as are conferred on and required of the guardian or guardians of an idiot or lunatic, by the act entitled "An act concerning idiots and lunatics," approved April sixteenth, one thousand eight hundred and forty-six. That it shall be lawful for the chancellor, on application of the guardian or guardians of any such habitual drunkard, to make such order for the safe keeping of such habitual drunkard as he may deem necessary, with a view to his reformation, and from time to time to alter or modify the same, and to that end may authorize the guardian or guardians to place such habitual drunkard in a state asylum for lunatics, or in such other proper retreat as the chancellor may order; and when such order is made for the keeping of such habitual drunkard in a state asylum, such guardian or guardians shall be required to give security in such amount and form as the chancellor shall direct, for the payment of the expense of keeping such habitual drunkard therein.

Orphans' court required, when application to appoint guardian.

Chancellor, upon application of guardian, may make order for safe keeping of drunkard.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CLXXXIX.

An Act relative to sales of lands for delinquent taxes, made in townships of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any sale of lands for de- Sales of lands for delinquent taxes not to be

vacated or set aside by court in any suit, and sales shall be deemed valid.

Proviso.

Sales of lands not to be vacated or set aside in any suit for any defects, except on certain conditions.

linquent taxes has been made prior to to the year eighteen hundred and eighty, or shall hereafter, be made in any township of this state, by any township committee or township officer, under the provisions of any general or special law of this state such sale, with the proceedings founded thereon, shall not be vacated or set aside by any court of this state, in any suit hereafter brought for the review of such sale or proceedings, on account of any insufficiency of the description of said lands assessed in the assessors' duplicate, or failure of the township clerk to record in the township book of minutes all the proceedings relative to such sales, but such sales, notwithstanding such defects, shall be deemed valid ; *provided*, it can be shown by other legal evidence that the lands so sold for taxes were the lands intended to be assessed, and that the sale thereof was made in compliance with the provisions of the law, and it is hereby made and provided that it shall be lawful in all cases to offer such evidence.

2. *And be it enacted*, That when any such sale has been made to the inhabitants of any township of this state, under the provisions of any general or special law, such sale, and the proceedings thereon, if the assessment itself is valid, shall not be vacated or set aside in any suit hereafter brought, in any court of this state, for any of the aforementioned defects, except on conditions that the amount of the tax assessed, with all arrears of interest, be paid or tendered by the party prosecuting such suit, to the treasurer of the township committee of such township, within such time as the court shall direct, and on failure of the party to make such payment within the time limited, the said sale and proceedings shall be confirmed with costs.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXC.

An Act for the relief and protection of workmen in the purchase of store goods and supplies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any manufacturer, firm, company or corporation, their agents, clerks or superintendents; in this state, who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and supplies at the aforesaid store by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's firm's, company's or corporation's store.

2. *And be it enacted*, That any manufacturer, firm, company or corporation offending against the provisions of this act, the same shall be a misdemeanor, and on conviction in any court having jurisdiction thereof, shall be fined not to exceed one hundred dollars, with costs of suit, for each offence, to be sued by and for the benefit of any citizen of the state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXCI.

A Supplement to an act "For the punishment of crimes"
[Revision], approved March twenty-seventh, one thousand
eight hundred and seventy-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-five of the act to which this a supplement be and the same is hereby amended so as to be and read as follows, viz. :

Penalty for
causing or pro-
curing miscar-
riage, &c.

75. *And be it enacted*, That if any person maliciously or without lawful justification, with intent to cause and procure the miscarriage of a woman then pregnant with child, shall administer to her, prescribe for her, or advise or direct her to take or swallow any poison, drug or medicine, or noxious thing, and if any person or persons, maliciously and without lawful justification, shall use any instrument or means whatever, with the like intent, he shall, on conviction thereof, be adjudged guilty of a high misdemeanor; and if the woman or child die in consequence thereof, shall be punished by fine not exceeding five thousand dollars, or imprisonment at hard labor for a term not exceeding fifteen years, or both, at the discretion of the court; and in case the woman or child do not die in consequence thereof, such offender, on conviction thereof, shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for a term not exceeding five years, or both, in the discretion of the court before whom such conviction shall be had.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXCII.

An Act to prevent the manufacture and sale of adulterated lard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall knowingly sell or exchange, or expose for sale or exchange, any impure or adulterated lard, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than fifty dollars for each offence, or shall be imprisoned in the penitentiary or county jail for not less than sixty days, or both, in the discretion of the court; *provided*, Penalty for selling or exposing for sale impure or adulterated lard. that all persons who shall sell, or expose for sale or exchange such adulterated lard with the words "adulterated and impure lard" plainly and durably stamped in plain letters on each and every firkin, tierce, package or box, in a suitable and conspicuous place, or in case of retail sales each parcel or package shall be stamped or labelled as above provided, with the words "adulterated and impure lard" are hereby declared to be exempt from the penalty of this section of this act. Proviso.

2. *And be it enacted*, That any person or persons who shall manufacture or refine lard, and shall add thereto fat of other animals than swine, or any chemical substance, and offer the product thereof for sale, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred dollars for each offence, or shall be imprisoned in the penitentiary or county jail for not less than sixty days; *provided*, Penalty for manufacturing adulterated lard. that if the packages of every description containing such adulterated lard shall be plainly marked or stamped before or when the same is sold or exchanged, or exposed for sale or exchange, with the words "adulterated and impure lard," as is provided in section one of this act, then the persons who shall refine, sell, or expose for sale or exchange, the same shall be exempt from the penalty of this act. Proviso.

Penalty for rendering and exposing for sale fat of diseased swine.

3. *And be it enacted*, That any person or persons who shall render, or cause to be rendered, swine, or the fat of swine, that have died a natural death, by disease or in transportation to market, and expose or offer the product of the same for sale or exchange as lard, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than two hundred dollars for each offence, or shall be imprisoned in the penitentiary or county jail for not less than ninety days.

What constitutes adulteration.

4. *And be it enacted*, That the addition of water or any other liquid or chemical preparation to lard, or the use of chemicals for whitening, is hereby declared to be an adulteration within the meaning of this act.

Duty of district attorneys.

5. *And be it enacted*, That it shall be the duty of district attorneys to conduct prosecutions under this act, in the name of the people, and one-half the fines recovered from convictions shall be paid to the informer and the residue to the state.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXCV.

An Act to defray the incidental expenses of the New Jersey Legislature for the session of one thousand eight hundred and eighty-one.

State treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz. :

Item No. 1. To A. H. Rickey, for furnishing parchments and preparing oaths of members and officers of the senate and general assembly, fifty dollars,

\$50 00

Item No. 2. To John S. Jessup, for professional services rendered in contested election case of Carter versus Murphy, during session of one thousand eight hundred and eighty-one, sixteen dollars, \$16 00

Item No. 3. To Ellen Meeley, for cleaning senate and assembly chambers and committee rooms during the session of one thousand eight hundred and eighty-one, two hundred dollars, 200 00

Item No. 4. To John L. Murphy, for wrapping paper, envelopes, brushes, rubber bands, et cetera, furnished sergeant-at-arms of the house of assembly, one hundred and seventy-seven dollars and thirty-one cents, 177 31

Item No. 5. To L. A. Dunn, for bill files furnished the house of assembly, three hundred and thirty-three dollars and twenty-five cents, 333 25

Item No. 6. To A. Kessler, for repairing locks and furnishing keys for house of assembly, one dollar and seventy cents, 1 70

Item No. 7. To John L. Murphy, for stationery, et cetera, furnished engrossing clerk house of assembly, three hundred and two dollars and twenty five cents, 302 25

Item No. 8. To William R. Murphy, for expenses incurred and counsel fees, in contested election case of Carter versus Murphy, two hundred dollars, 200 00

Item No. 9. To William H. Carter, for expenses incurred and counsel fees, in contested election case of Carter versus Murphy, two hundred dollars, 200 00

Item No. 10. To John L. Murphy, for stationery furnished clerk to committee on engrossed bills, house of assembly, fifty dollars and forty cents, 50 40

Item No. 11. To Martha Kuhn, for washing towels for house of assembly, twenty-five dollars, 25 00

Item No. 12. To John L. Murphy, for stationery, et cetera, furnished speaker house of assembly, eighty-four dollars and twenty cents, 84 20

Item No. 13. To John L. Murphy, for minute books, calendars, et cetera, furnished clerk of house of assembly, one hundred and fifty-three dollars, 153 00

Item No. 14. To John A. Brown, for expressage on stationary and bill files for house of assembly, seven dollars and eighty-five cents, 7 85

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| Item No. 15. To John L. Murphy, for stationery, et cetera, furnished clerk house of assembly, one hundred and seventy-three dollars and seventeen cents, | \$173 17 |
| Item No. 16. To John B. Fell, for services as sergeant-at-arms, in opening the house of assembly, session of one thousand eight hundred and eighty-one, ten dollars, | 10 00 |
| Item No. 17. To William R. Murphy the amount of the annual salary of a member of the legislature, less such sum as may have already been paid to him for account of such salary. | |
| Item No. 18. To George B. Carse, for services rendered to date at Washington, District of Columbia, in procuring pensions for the soldiers of the state of New Jersey, five hundred dollars, | 500 00 |
| Item No. 19. To John L. Murphy, for stationery furnished by order of the president of the senate, ninety-five dollars and sixty-five cents, | 95 65 |
| Item No. 20. To Augustus S. Barber, for services as clerk to committee, contested election, case Carter versus Murphy, fifty dollars, | 50 00 |
| Item No. 21. To John L. Murphy, for stationery, et cetera, furnished committee on stationery, house of assembly, one hundred and two dollars and thirty-five cents, | 102 35 |
| Item No. 22. To John L. Murphy, for minutes, books, calendars, et cetera, furnished president of the senate, forty-seven dollars, | 47 00 |
| Item No. 23. To William S. Sharp, for subpoenas furnished house of assembly, one dollar and seventy-five cents, | 1 75 |
| Item No. 24. To George D. Bower, as secretary to committee on incidental expenses, fifty dollars, and amount paid newspapers for advertising notice of incidental committee, three dollars and fifty cents, | 53 50 |
| Item No. 25. To John L. Murphy, for minute books, calendars, et cetera, furnished secretary of the senate, one hundred and fifteen dollars and fifty cents, | 115 50 |
| Item No. 26. To Frank H. Huber, for services | |

rendered committee, contesting election case Carter versus Murphy, ten dollars, \$10 00

Item No. 27. To John L. Murphy, for stationary, et cetera, furnished secretary of the senate, one hundred and fifty-four dollars and fifty cents, 154 50

Item No. 28. To L. A. Dunn, for stationery, rubber bands, et cetera, furnished committee on stationery, five hundred and thirteen dollars and sixty-six cents, 513 66

Item No. 29. To W. H. C. Murphy, for baskets, brushes, soap, et cetera, furnished sergeant-at-arms, house of assembly, seventy-eight dollars and fifty-five cents, 78 55

Item No. 30. To C. H. Benson, for services rendered as clerk to the judiciary committee of the house of assembly, during the session of the one hundred and fifth legislature, three hundred dollars, 300 00

Item No. 31. To W. W. Morris, for services rendered as clerk to the committee on municipal corporations of the house of assembly, three hundred dollars, 300 00

Item No. 32. To George W. Woodward, for services rendered as clerk to the committee of the house of assembly on engrossed bills, five hundred dollars, 500 00

Item No. 33. To chairman joint committee on lunatic asylums, for carriage hire for use of committee, seven dollars, 7 00

Item No. 34. To A. E. Irwin, stenographer, for stenographic services rendered joint committee on lunatic asylums, taking testimony, et cetera, forty dollars, 40 00

Item No. 35. To John L. Murphy, for stationery, et cetera, furnished engrossing clerk of the senate, two hundred and thirty-three dollars and fifteen cents, 233 15

Item No. 36. To William Dickey, George Ringelmann, Liner Holmes, William De Voursey, George Liner and James O'Brien, for services as pages opening house of assembly, session of one thousand eight hundred and eighty-one, ten dollars each, amounting to sixty dollars, 60 00

Item No. 37. To John Simpson, for washing

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| spittoons for the assembly, and washing and keeping clean the closets in the house of assembly, and cleaning committee rooms, one hundred dollars, | \$100 00 |
| Item No. 38. To John A. Brown, for expenses and services in serving subpoenas, and services to committee in the contested election case of Carter versus Murphy, one hundred and fifty dollars, | 150 00 |
| Item No. 39. To Fitzgerald and Gosson, for two hundred and fourteen copies of the Legislative Manual for one thousand eight hundred and eighty-one, furnished the senate and house of assembly, two hundred and fourteen dollars, | 214 00 |
| Item No. 40. To W. Scott Snyder, for services rendered as assistant engrossing clerk of the senate, five hundred dollars, | 500 00 |
| Item No. 41. To George D. Bower, for services rendered as bill clerk, house of assembly, three hundred and fifty dollars, | 350 00 |
| Item No. 42. To the clergy, for services in opening the sessions of the legislature of the year one thousand eight hundred and eighty one with prayer, ten dollars each. | |
| Item No. 43. To Frank H. Huber, for services rendered as assistant door keeper, house of assembly, three hundred dollars, | 300 00 |
| Item No. 44. To Frank Wanser, for services rendered as assistant door keeper, house of assembly, three hundred dollars, | 300 00 |
| Item No. 45. To David Campbell, for services in attending electrical gas machine in the senate chamber and house of assembly, one hundred dollars, | 100 00 |
| Item No. 46. To J. Banks Reford, for services as assistant engrossing clerk, house of assembly, three hundred and fifty dollars, | 350 00 |
| Item No. 47. To George Arison, for extra services as door keeper, house of assembly, fifty dollars, | 50 00 |
| Item No. 48. To F. F. Paterson and Charles N. Robinson, engrossing clerk and door keeper of last senate, ten dollars each for services at organization, | 20 00 |
| Item No. 49. To Cook & Jaques for repairing ice-pitcher and match safe, one dollar and seventy-five cents, | 1 75 |

Item No. 50. To George T. Dudley, for bill files, rubbers, paper, P. O. papers, wrapping paper, pails, etc., two hundred and sixty-one dollars and ten cents, \$261 10

Item No. 51. To Mary E. Lee, for washing towels for senate, twenty-five dollars, 25 00

Item No. 52. To Reuben Transen, for cleaning spittoons, sixty dollars, 60 00

Item No. 53. To G. W. Shreve and H. S. Boice, door keepers of senate, ten dollars each, and S. W. Ayres and C. A. Blake, pages for opening senate, ten dollars each, 40 00

Item No. 54. To W. H. C. Murphy, for one drop light, coal oil, chimneys, two lamps and sundries for room, sixty-seven dollars and thirty-five cents, 67 35

Item No. 55. To John Makechney, for services attending fires in senate and general assembly rooms, and speaker and president's rooms during the session of eighteen hundred and eighty-one, fifty dollars, 50 00

Item No. 56. To Robert B. Ivins, for coach furnished to the joint committee on industrial school for girls, 4 00

Item No. 57. To Ira Somers, extra services as bill clerk of the senate, fifty dollars, 50 00

Item No. 58. To Daniel Kilborn, door keeper, for opening the house of assembly at the session of one thousand eight hundred and eighty-one, ten dollars, 10 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved, except as to Item No. eighteen (18), to which Item No. 18 I object, March 25, 1881.

CHAPTER CXCV.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations, and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, shall be and hereby is amended so that the said section shall read as follows :

Number of di-
rectors.

5. *And be it enacted*, That there shall be a board of thirteen directors of every corporation formed under this act to manage its affairs ; except in cases where the road or proposed roads is less than ten miles in length, in which case there may be seven directors instead of thirteen, to manage its affairs ; said directors shall be chosen annually by a majority of the votes of the stockholders at such elections, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places ; in the election of directors each stockholder shall be entitled to one vote for each share of stock held by him ; vacancies in the board of directors shall be filled in such manner as shall be presented by the by-laws of the corporation ; the inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association ; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen ; at every election of directors the books and papers of such company shall be exhibited to the meeting, provided a majority of the stockholders present shall require it.

Election of di-
rectors.

Vacancies—
how filled.

Section
amended.

2. *And be it enacted*, That the thirty-sixth section of said act shall be and hereby is amended so that the said section shall read as follows :

36. *And be it enacted*, That it shall be lawful for any company incorporated under this act, in addition to the powers hereinbefore given, to build viaducts over any navigable or other rivers, streams or bay of water which such railroad may cross, putting in such viaduct a pivot draw with two openings, each of no less width than the widest opening of any viaduct or bridge now built over any such river, stream or bay of water at right angles to the main channel, located at a point convenient for navigation, and such company shall at all times, when such river, stream or bay is navigable, for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light at each inner side of said draws, which shall be lighted every evening, at or before sunset, and be kept lighted till daylight, and shall also keep, or cause to be kept, a suitable person or suitable persons at each of said bridges, to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every neglect to keep such light, and to open the draws when necessary, the said company shall forfeit and pay the sum of one hundred dollars, to be recovered with costs, in any court having jurisdiction thereof, by any persons who shall sue for the same, within six months after the time of such neglect; *provided*, that corporations formed under this act shall not take any land under water belonging to this state until the consent of the riparian commissioners shall first be had and obtained; (unless the said land is at least twenty-five feet under the bed of the water), who are hereby authorized to convey the same on receiving such compensation as they may fix; *provided, further*, that no corporation organized under this act shall be authorized to take, use or occupy, by condemnation, any lands belonging to the state of New Jersey, or any franchise, lands or located route of any bridge, railroad, canal, turnpike or other corporation chartered for the purpose of facilitating transportation, except for the purpose of crossing said lands or route of said corporation, and except the lands of such other corporations not necessary for the purposes of their franchises; *and provided further*, that a railroad may be located or constructed under this act on the surveyed route or location of any other railroad, with the consent of such corporation, and not otherwise; *and provided further*, that no railroad, under this act, shall cross another railroad at a less angle than twenty degrees; *provided, however*, that this

Companies authorized to build viaducts over rivers, streams, &c.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

supplement shall apply only to railroads already built and now in operation and which shall desire to change a crossing now existing.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXCVI.

A Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Board of chosen
freeholders em-
powered to
commit
children to care
and control of
charitable in-
stitutions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of any county that has or shall have assumed the maintenance of the poor are hereby empowered to make provision for children between the ages of three and sixteen years, whose support they have assumed by committing them to the care and control of such duly incorporated charitable institution in this state as they may select, and for such time as they may see fit, during the minority of such child or children, said commitment shall be in writing and signed by the trustees of the county poor house, and shall be subject to the approval of the trustees or managers of such charitable institution, who shall signify their approval by endorsing the same upon the back of a duplicate copy of said commitment, as accepted subject to the provisions of this act, and sign their names thereto, and the trustees of said county poor house shall keep said duplicate copy of commitment on file, and also, in a suitable book for such purpose, shall keep a record of such commitment, showing the date thereof, the name, age, color, nativity, sex and mental and physical condition of each child thus committed, and the length of time for which committed, and shall report the same monthly to the board of chosen freeholders of

said county, who are hereby authorized and required to pay out of the funds belonging to said county, to the trustees or managers of such charitable institution, a sum not exceeding one dollar and fifty cents per week for each and every child thus committed during their continuance in said institution, for the board, maintenance and education of such child, until it arrives at the age of sixteen years ; and the county collector of such county is hereby authorized to pay the same, upon an order drawn upon him, and signed by the director of said board, for that purpose.

2. *And be it enacted*, That the said trustees or managers of such charitable institution shall make an annual report to said board of chosen freeholders as to all such commitments made to the institution, the date of each, the name and age of each child thus committed, the number of such children in said institution each month, the date of the discharge of each, and the amount of money received by the institution each year for their support, and such other information as may be required by said board of freeholders as to the care and condition of the children thus committed.

Trustees or managers of institution to make annual report to board of freeholders.

3. *And be it enacted*, That notwithstanding the commitment of such children to any charitable institution, at any time during their stay at said institution, the board of freeholders, through the trustees of the county poor house, shall possess and are hereby authorized to exercise the same power now given to them by law, to bind out any such child to learn some trade or business, whenever a suitable place or person can be found.

Board of freeholders authorized to bind out children to trade, &c.

4. *And be it enacted*, That no child or children shall be committed by any board of chosen freeholders in any county in this state to any charitable institution in this state, or elsewhere, under the control and management of any religious denomination.

No child or children to be committed to any institution under control of any religious denomination.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXCVII.

Supplement to an act entitled "An act to prevent the spread of Canada thistle," approved March eighth, one thousand eight hundred and forty-eight.

Penalty for bringing into the state Canada thistle, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall knowingly and wilfully bring into this state any bale or bales of hay containing Canada thistle, or seeds of the same, or any grass or grain seeds with which the seeds of Canada thistle shall be mixed, or who shall knowingly and wilfully sell any manure containing any Canada thistle, or seeds of the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment in the county jail, workhouse or penitentiary of the county in which such conviction shall take place, or both fine and imprisonment may be imposed, in the discretion of the court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CXCVIII.

An Act respecting the representation of cities in boards of chosen freeholders.

All cities entitled to two freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state shall be entitled to be represented by not less than two freeholders in

the boards of chosen freeholders of the counties in which they are respectively situated ; *provided*, that whenever any city shall, under the provisions of this act, be represented by two freeholders, they shall not be elected from the same ward ; *and provided, further*, that any city within a township, which township, as such, is represented in the board of chosen freeholders of the county in which such city is located, shall not be represented as a city in said board of chosen freeholders ; *and provided, further*, that any city which has not been divided into wards shall be deemed to constitute one ward for the purposes of this act. Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this shall be a public act and take effect immediately.

Approved March 25, 1881.

CHAPTER CXCIX.

Supplement to an act entitled "An act to regulate elections"
[Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, section seventeen of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows : Section amended.

17. *And be it enacted*, That when a township or ward in any city contains more than six hundred voters, said township or ward shall be divided into election districts, so as not to contain more than six hundred voters in each district, and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office and one copy in the city or township clerk's office, as the case may be, and in case any error is made in fixing the boundary lines of any such elec- When township or ward to be divided into election districts.

Proviso.

tion district, the township committee of any township or mayor and common council of any city may at any time in their discretion correct such error and change said boundary lines; *provided, however*, that no election district shall contain more than six hundred voters.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CC.

An Act respecting fire-escapes or means of exit in and upon buildings in cities or municipal corporations.

Common council, &c., authorized to pass, ordain and enforce ordinances for use of fire-escapes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other governing body of all cities or municipal corporations in this state, are hereby authorized, empowered and required to pass, ordain and enforce ordinances and regulations and penalties, respecting the building, erection, equipment, maintenance and use of proper and efficient fire-escapes or means of exit, in and upon hotels, theatres, halls, school houses and other public buildings, manufactories or other buildings where operatives are employed.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March 25, 1881.

CHAPTER CCI.

An Act to enable church bodies to perfect their organization
and to secure and perfect title to real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the trustees of any intended church organization which has not been perfected according to law, shall have taken title to any lands or real estate in their own names, or in their own names as trustees, of such intended organization, and such intended organization has afterwards perfected their organization according to law by the same or any other name it shall and may be lawful, and such trustees or the survivors or survivor of them are and is hereby authorized and required to convey by good and sufficient deed or deeds in the law all their right, title and interest in the said lands and real estate to the trustees of the said perfected organization, whether the same shall have been perfected heretofore or shall hereafter be perfected according to law, by the same or by any other name than the one originally intended, and that when the said lands shall have been so conveyed, said perfected organization shall hold the same as fully and completely as though the said organization had been originally perfected according to law.

Trustees of
church organi-
zations author-
ized to perfect
organization,
and to secure
perfect title to
real estate.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCII.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Collector of taxes to make and file statement-list of delinquents with clerk of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of April, annually, the collector or other officer having the collection of taxes for any township in this state, shall make out and file with the clerk of such township, a statement in writing, setting forth in detail the name of each person assessed whose tax or taxes he has been unable to collect from the person charged with such tax or taxes, by reason of removal, insolvency or erroneous assessment; the value and kind of property, the amount of tax and the cause of inability to collect said tax, in each case, in proper columns provided in a list for that purpose, which said statement shall be verified by the oath or affirmation of such collector or other collecting officer.

Township committee to examine statement, and may release collector from liability.

2. *And be it enacted*, That the township committee shall, within ten days after the filing of the statement mentioned in the preceding section, carefully examine said statement, and on being satisfied as to the correctness of the same or any part thereof, may, by resolution, credit and release the said collector or other collecting officer from liability, and collection of any or all the taxes so reported by him as being uncollectible.

3 *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCIII.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, prohibiting the diversion of church property.

Unlawful for religious societies, &c., to divert the estate, property or

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the rector, wardens and vestrymen or the trustees, consistory or session of any church, congregation or religious society incor-

porated under any of the laws of this state, to divert the estate, property or revenue belonging thereto to any purpose except the support and maintenance of the church or religious or benevolent institution or object connected with the church or denomination to which such corporation shall belong, and the highest judicatory of any denomination from which property is attempted to be, or is being, or shall be diverted in violation hereof is hereby authorized to enforce the foregoing provision, but nothing herein contained shall be construed as preventing action being taken by members of the congregation or otherwise as heretofore to enforce the said provision.

Approved March 25, 1881.

CHAPTER CCIV.

A Further Supplement to the act entitled "An act respecting railroads and canals" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all actions hereafter accruing for injuries to persons caused by the wrongful act, neglect or default of any railroad corporation owning or operating any railroad within this state, shall be commenced and sued within two years next after the cause of such actions shall have accrued, and not after. Actions for injuries to persons to be commenced and sued within two years.

2. *And be it enacted*, That all actions for any injury hereafter done to any property of any person or corporation, by fire communicated by a locomotive engine of any railroad corporation owning or operating any railroad within this state, shall be commenced and sued within one year after the cause of such actions shall have accrued, and not after. Actions for injury to property by fire, to be commenced and sued within one year.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCV.

A Supplement to an act entitled "An act appointing commissioners to locate the northern boundary line between the states of New York and New Jersey, and to replace or erect monuments therein," approved April thirteenth, one thousand eight hundred and seventy-six.

Commissioners
authorize to
ascertain and
agree upon the
location of
northern
boundary line,
and to renew
or replace mon-
uments, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under said act to which this is a supplement, shall, in addition to the authority conferred by said act, have authority, in their discretion, to proceed to ascertain and agree upon the location of the northern boundary line between the states of New York and New Jersey, as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners are authorized to renew or replace them, in a durable manner, in their original positions, and to erect such additional monuments at such places on said line as they may deem necessary for the proper designation of the boundary line of said state.

Agreement to
be made in
writing, and
signed and
sealed.

2. *And be it enacted*, That any agreement made by the said commissioners shall be in writing, and signed and sealed by the authorities of the state of New York and the commissioners of this state, but shall not take effect unless confirmed by the respective legislatures of the states of New York and New Jersey.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCVI.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ninety of an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows: Section amended.

90. After the trial of an appeal in the court of common pleas, a new trial may be granted by the said court. New trial may be granted.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCVII.

An Act authorizing the legislative bodies of the cities of this state to pass ordinances providing for the removal of dangerous walls, buildings, stacks and chimneys erected therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the cities of this state shall have power by its legislative body, to make and adopt ordinances providing for and regulating the removal of walls, buildings, stacks and chimneys erected therein, that are liable Municipal corporations empowered to make and adopt ordinance for removal of walls, buildings, stacks, &c.

to fall, or that are dangerous to life; said removal to be made by the owner, agent, or person having control thereof; or in case of failure of such owner, agent, or other person as aforesaid, to remove or otherwise make safe the same within a specified time after complaint and notice, or in case such owner, agent or other person cannot be found, then by the proper city officer or officers designated for that purpose, but at the cost and expense of such owner, agent, or person controlling the same.

Penalty for violation of ordinances.

2. *And be it enacted*, That any violation of any ordinance hereby authorized, may be punished by fine not exceeding fifty dollars for each day said violation shall continue.

3. *And be it enacted*, That this act shall be a public act, and go into effect immediately.

Approved March 25, 1881.

CHAPTER CCVIII.

An Act providing for public safety on railroads.

Unlawful for railroads to use passenger cars with screens, bars, &c., across windows.

Penalty.

Act—when to take effect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to use, in the transportation of passengers of any railroad in this state, any passenger car or coach having screens, bars or gratings across the windows; and that any person or corporation owning, controlling or operating any railroad over which any passenger car or coach shall pass in violation of the provisions of this act, shall be subject to a fine of two hundred dollars for each offence, to be recovered by any inhabitant of this state who may sue for the same, in any court having cognizance of the same, one-quarter of said fine to go to the person suing for the same, and three-quarters thereof to the state.

2. *And be it enacted*, That this act shall take effect from and after the first day of May, in the year one thousand eight hundred and eighty-one.

Approved March 25, 1881.

CHAPTER CCIX.

A Supplement to an act entitled "An act for the improvement of the sanitary condition of cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended to read as follows :

Section amended.

That whenever a petition signed by at least twenty-five free-holders, residents of any particular city in any county having a county board of health, stating that any particular place or district in said city is in a condition detrimental to the public health, by reason of insufficient drainage, shall be presented to such board of health, it shall be the duty of such board to forthwith appoint a time and place, when and where they will meet to consider said petition ; at which time and place said board shall so meet, and shall proceed to the place or district designated in such petition, and carefully inspect and examine the same.

Board of health to view district said to have insufficient drainage.

2. *And be it enacted*, That section five of the act to which this is a supplement, be amended to read as follows : •

Section amended.

That the corporate authorities of such city, in case they shall decide to do the work, shall advertise for proposals therefor, as in cases of other improvements made under the charter of such city, and shall award the contract or contracts therefor to the lowest responsible bidder or bidders, who will comply with all the requirements of such authorities ; *provided, however*, that all bids may be rejected and the work re-advertised if the public interest shall require.

Contracts—how awarded.

Proviso.

3. *And be it enacted*, That section six of the act to which this is a supplement be amended to read as follows :

Section amended.

That the corporate authorities of such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay for

Certificate of indebtedness may be issued, or may issue bonds.

Proviso

Proviso.

Civil engineer or assistants may enter upon all lands for surveying, leveling and laying out route of sewers, drains, &c.

When route, location, &c., is deposited with city clerk, city authorized to construct sewers, &c.

said works, by issuing and selling registered or coupon bonds, pledging the credit and property of such city for the payment thereof, payable in not less than two nor more than twenty years from the date thereof, at the discretion of such city authorities, with interest not exceeding six per centum per annum ; which bonds shall be advertised for sale in the official paper or papers of such city, and such other papers as may be designated by the corporate authorities, and shall be sold to the highest bidder ; *provided*, no more bonds shall be issued than shall be necessary to raise sufficient money to pay for the works provided for in this act, and such lands as may be purchased or taken under this act, or the act to which this is a supplement, whereon to locate and place such works ; *provided further*, that nothing in this act, or the act to which this is a supplement, shall authorize the incurring of any bonded or other indebtedness of such city in excess of ten per cent. of the average assessed valuation of property in such city for five years next previous to the time of incurring such debt or making such improvement.

4. *And be it enacted*, That it shall be lawful for the civil engineer or engineers appointed by the corporate authorities of any city to make plans and specifications for the sewers or other works or structures mentioned in the third section of the act to which this is a supplement, his or their agents and assistants, or others in their employ, to enter upon all lands or waters within the place or district so requiring to be drained as aforesaid thereto, for the purpose of exploring, surveying, leveling and laying out the route and location of any sewer or sewers, pumps, dykes, dams, tide banks, or such other works as may be necessary to secure sufficient and proper drainage of such place or district, doing no unnecessary injury to private or other property, and when the route or routes, or location or locations of such necessary works or structures shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the clerk of such city, then it shall be lawful for the corporate authorities of such city, by ordinance, to authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tide banks, and such other works and structures as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

5. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, by their contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, and to erect such pumps, dykes, dams, tide banks and such other works and structures, and to do all other things which may be suitable and necessary to secure the sufficient and proper drainage of the place or district requiring to be drained, subject to such compensation as is hereinafter directed; *provided, always*, that the payment, or the tender of the payment of all damages for the occupancy of the lands through or upon which said pumps, dykes, dams, tide banks, ditches, drains, sluices and such other works or structures may be laid out or located, be made before the corporate authorities of such city, or any person under their direction, or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, tide banks, sewers and other works or structures, unless the consent of the owner or owners of such land be first had and obtained.

Contractors, workmen and others may enter upon and take possession of lands, &c.

Proviso.

6. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, or their officers or agents, to contract with the owners of any land that may be required for the purpose of this act for the use and purchase thereof; and in case they cannot agree with such owner or owners, or if, by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land so required for the erection and construction of such pumps, sewers, dykes, tide banks and other works and structures shall be given in writing, under the oath or affirmation of some engineer or proper agent of such city, and also the name or names of the occupant or occupants, if known, and their residences, if the same can be ascertained, to any justice of the supreme court, who shall cause the said city authorities to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than one week, and not more than one month; and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested commission-

Corporate authorities may contract with owners of land required.

Proceedings in case owners and authorities cannot agree.

Justice of supreme court to appoint commissioners.

Commissioners
to meet, make
award, and file
same in clerk's
office.

ers, freeholders of said county, to assess the price or value of said land and all damages sustained by the erection or construction of such works, which commissioners shall be sworn or affirmed faithfully to execute the duties of said appointment, and after like notice to said owners of the time and place of meeting of said commissioners, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision, award and report as to the value of said land and the damages sustained, as to them shall seem just and proper, and within ten days thereafter transmit such decision, report and award, together with a description of the said land and the quantity taken, in writing, under their hands and seals, or under the hands and seals of any two of them, to the clerk of the city wherein said lands are, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, there to remain as a public record, and thereupon and upon payment, or tender of payment, of the amount so awarded as hereinafter provided, the corporate authorities of such city are hereby empowered to enter upon and take possession of said lands for the purposes aforesaid, and the said city shall thereby become seized and possessed in fee simple of the land so valued and appraised as aforesaid.

Parties ag-
grieved may
appeal to cir-
cuit court.

7. *And be it enacted*, That if either party shall feel aggrieved by the decision and award of said commissioners, the party so aggrieved may appeal to the circuit court of the county in which such city may be situate, at the next term after such decision and award, by proceeding in the form of petition to the court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in said circuit court full right and power to hear and determine the same; and if required, said court shall award a venire, and direct a proper issue to be framed for the trial of said controversy, and may, in its discretion, order a jury to be struck, and a view of said premises to be had, and the said issue to be tried at the next term of said court, to be holden in said county, upon like notice, in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and if the said jury shall find a greater sum than shall have been awarded by said commissioners, then judgment shall be given against said city, with costs, and exe-

cution awarded therefor ; but if said jury shall be applied for by said owner or owners, and shall find a less sum than shall have been awarded by the commissioners, the costs shall be paid by said owner or owners, and either deducted out of said sum found by said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the said city from taking the said land on filing the report aforesaid, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being unknown or out of the state, or under a legal disability, the same being first paid into the circuit court of said county, and the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners.

8. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, either general or special, inconsistent with the provisions of this act, or the act to which this is a supplement, be and the same are hereby repealed. Repealer.

Approved March 25, 1881.

CHAPTER CCX.

An Act for the improvement of the sanitary condition of
counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, stating that any particular place or district described by metes and bounds in any county of this state is in a condition detrimental to the public health and signed by at least one hundred freeholders, residents of such county in this state, (the aggregate assessed value of whose real estate in said county shall be certified by the assessors or other officers whose duty it is to

Justice of supreme court,
upon petition,
may appoint
engineer to
make plans,
&c., for building of sewers
and the erection of dams,
dykes, &c.

assess such property for taxation to be more than one million dollars), such assessed valuation not to include any property described in the aforesaid petition, shall be presented to the justice of the supreme court of judicature of this state, holding the circuit court in such county, such justice may appoint a competent civil engineer to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tide-banks, and such other works and such filling and excavating as may be necessary to secure a sufficient and proper drainage of such particular place or district required to be drained.

Justice of supreme court to certify compensation of engineer and by whom paid.

2. *And be it enacted*, That upon receiving the report of such civil engineer, such justice of the supreme court holding the circuit as aforesaid shall certify what compensation in his judgment such engineer is entitled to for his services, which amount shall be paid by the board of chosen freeholders of the county in which said place or district is contained.

Upon receiving report commissioners to be appointed.

3. *And be it enacted*, That upon receiving such report the said justice of the supreme court holding such circuit shall appoint three freeholders of the county, in which such place or district is required to be drained and filled in, who shall in connection with the civil engineer, appointed as aforesaid, constitute a commission, under whose supervision and direction the plans of drainage and filling shall be carried out.

Commissioners to receive no compensation.

4. *And be it enacted*, That the commissioners appointed by the justice of the supreme court aforesaid shall not be entitled to receive any compensation for their services, and that said civil engineer shall receive such compensation as the said board of chosen freeholders shall deem proper.

Board of freeholders to advertise for proposals for constructing work.

5. *And be it enacted*, That within fifteen days from the presentation of a report to them, said board of freeholders shall advertise for proposals for doing and constructing such works in accordance with said report, plans and specifications, which shall be placed on file for public inspection in the office of said board, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvement in said county.

Board of freeholders authorized to issue certificates of indebtedness and issue bonds.

6. *And be it enacted*, That such board of freeholders shall have power to issue certificates of indebtedness or improvement certificates to the contractors for said works, or to issue registered or coupon bonds of said county, for the purpose of

providing funds to pay for said improvement, said bonds being payable in not less than twenty nor more than forty years, and bearing interest at the rate of six per centum per annum.

7. *And be it enacted*, That bonds issued under the last preceding section shall not be sold at less than their par value. Bonds not to be sold less than par.

8. *And be it enacted*, That the costs and expenses of such filling and excavating, and the construction of such sewer or sewers, pumps, dykes, dams, tide-banks and such other works as may be deemed necessary for the public health, shall be assessed upon the estate especially benefited thereby, in proportion to the benefit received. Costs and expenses—how assessed.

9. *And be it enacted*, That when the aforesaid improvement shall have been completed, the commissioners having charge of the same shall report that fact to the justice of the supreme court aforesaid, who shall appoint and fix the compensation of three discreet freeholders of said county, whose lands are not liable to assessment for special benefits by reason of said improvement, to act as commissioners of assessment for said improvement. When improvement completed, justice to fix compensation of commissioners.

10. *And be it enacted*, That said commissioners of assessment shall distribute the amount of the expense of said improvement for which lands specially benefitted shall, in their judgment, be liable, and when said assessment shall be completed it shall be filed with the clerk of said board of chosen freeholders, who shall give notice by advertising in two or more newspapers printed and published in said county, of the fact that said report has been filed, and that said commissioners will meet at the office or meeting room of said board of chosen freeholders on a certain day, at least thirty days subsequent to the filing of said report, to hear remonstrances against the same. Commissioners to distribute expense upon lands, and report to be filed with clerk of board of freeholders.

11. *And be it enacted*, That the said commissioners of assessment shall meet at the time and place designated, to hear remonstrances against their report, and shall revise the same as shall seem to them proper in view of such remonstrances, after which they shall file their report with the clerk of said board of chosen freeholders; and the assessment shall constitute liens upon the lands so assessed for special benefits. Commissioners to meet to hear remonstrances and revise report.

12. *And be it enacted*, That if the owner or owners of said lands so assessed for special benefits shall neglect or refuse to pay said assessment with interest, for the period of one Failure of owners to pay assessments, board of free-

holders authorized to sell lands.

year, the board of chosen freeholders in such county are hereby authorized and empowered to sell said lands for the least number of years that any person will take the same and pay said assessment, with costs and interest thereon ; and the manner, time, place, and notice to resident and non-resident owners of such lands to be sold, shall be fixed and designated by the justice of the supreme court holding the circuit court in the county where such lands are situate.

Certificate of sale to be delivered to purchaser.

13. *And be it enacted*, That upon receiving the amount of said assessment by sale as aforesaid, the board of chosen freeholders shall give to the purchaser a certificate of sale of the land for the term for which the same shall be sold, and thereupon said purchaser shall be entitled to immediate possession of said land, and to take the rents, issues and profits thereof for the period or term aforesaid ; *provided*, that the owner of the fee of said land shall be entitled to redeem the same at any time within the period for which they shall be sold, by payment to the purchaser of the term of the amount given for such certificate of sale, less the amount received as rent and profit as aforesaid, with interest, after the rate of twelve per centum per annum from the date of said sale.

Proviso.

Excess of costs and expenses—how assessed, levied and collected.

14. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection and construction of such other works as are deemed necessary for the purpose aforesaid, shall exceed the benefits to lands specially benefited thereby, such excess of costs and expenses shall be raised by general taxation, to be assessed, levied and collected in the same manner as taxes for other county purposes are assessed, levied and collected.

Moneys received by issuing of bonds—how applied.

15. *And be it enacted*, That whenever bonds shall be issued by any board of chosen freeholders, and the proceeds applied for the purpose of carrying out any such improvement, it shall be the duty of said board of chosen freeholders to apply all moneys received in payment of the assessment for said improvement, to the final payment of such bonds, and for no other purpose whatever.

Board of freeholders authorized to appropriate money to run and operate pumps, &c.

16. *And be it enacted*, That in case it shall be necessary in pursuance of the plans for said improvement, to erect pumps or other works which are required to be operated by steam power, or by other artificial means requiring an annual expenditure of money to operate the same, it shall be the duty of such board of chosen freeholders to appropriate a sufficient sum of money to run and operate such pump or pumps, or

other works for the purpose of securing a proper drainage of the place or district required to be drained.

17. *And be it enacted*, That such civil engineer or engineers as may be appointed by a supreme court justice, and such commissioners as may be appointed by any board of chosen freeholders under the provisions of this act, shall, before entering upon the duties of their office, take an oath before a justice of the supreme court or a supreme court commissioner, faithfully to perform the duties of their office, a certificate of which fact shall be filed with the clerk of the county in which said lands are situate. Engineers—commissioners—to take oath, &c.

18. *And be it enacted*, That the justices of the supreme court holding the circuit court as aforesaid shall have power to remove any civil engineer appointed as aforesaid, and appoint another in his stead; and the board of chosen freeholders shall have the same power with reference to the commissioners or other officers appointed by such board. Civil engineer and commissioners may be removed.

19. *And be it enacted*, That any vacancy caused by the death, resignation or removal from the state of any officer or commissioner appointed under this act shall be filled by the appointing power. Vacancies—how filled.

20. *And be it enacted*, That whenever, in the progress of said improvement, it shall become necessary to give notice, for any purpose whatsoever, to property owners or others, the form and manner of service of such notice shall be prescribed and fixed by the justice of the supreme court aforesaid. Notice to property-owners—how given.

21. *And be it enacted*, That this act shall not extend to any lands flowed by the natural and complete flow of tidewater. Act not to extend.

22. *And be it enacted*, That all acts be and are hereby repealed inasmuch as they are inconsistent with the provisions of this act. Repealer.

23. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXI.

A Supplement to the act entitled "An act to provide for licensing boats, hacks and other vehicles by incorporated camp meeting associations, or seaside resorts, and for the better government of the same.

Board of trustees, commissioners, &c., empowered to license, regulate and restrain the manufacture or sale of liquors, wine, beer, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, managers, commissioners or other corporate authorities of any incorporated camp meeting association or seaside resort, the grounds belonging to which are located outside the corporate limits of any city or borough already possessing a special charter granted by the legislature, shall have the right and power within the premises of said camp meeting association or seaside resort, and upon any pier or landing place connected therewith, and leading thereto, and for and within the territory embraced within the limit of one mile from any boundary of said premises, by ordinance or otherwise to license, regulate and restrain the manufacture, sale or barter of spirituous or fermented liquors, wine, ale, beer or malt liquors of any kind or intoxicating liquors, preparations or substances of any kind whatever, and to make all needful rules and regulations therefor, and if any person shall within said premises and territory, at any time hereafter manufacture, sell or barter any spirituous or fermented liquors of any kind whatever, wine, ale, beer or malt liquors of any kind, or intoxicating liquors, preparations or substances of any kind whatever, without a license from said board of trustees, directors, managers, commissioners, or other corporate authorities first had and obtained, such person shall for each and every of said acts be liable to a penalty of twenty dollars, to be sued for in the name of said board of trustees, directors, managers, commissioners, or other corporate authorities, in an action of debt before any justice of the peace of the county in which such act shall be committed, or any police justice or officer specially commissioned, pos-

Penalty for selling without license.

sessing the powers of police justices appointed or to be appointed for any such corporation, which said justice may give judgment for said penalty and costs of suit, and issue execution for collection of the said penalty to be levied on any personal property, owned by such person or persons against whom such judgment may be obtained, directed to any constable of the said county, or any marshal or peace officer appointed or to be appointed for such corporation, which execution shall be levied, executed and returned in the same manner as executions in other cases, and in case no goods of the defendant shall be found whereof to make the said penalty and costs of suit, then the said judgment may be docketed in the court of common pleas, and execution issue thereon as in other cases, and in addition thereto the said justice or officer rendering such judgment may sentence the defendant to imprisonment in the county jail for a term not exceeding twenty days for such offence; all penalties recovered and collected under this section shall, after deducting the costs of prosecution, be paid over by said corporation to the overseer of the poor of the township or county within which the said act shall have been committed; *provided*, that as to inns, taverns and saloons at the time of the organization of such associations, already established and licensed, and situated outside of, though within one mile of the said premises, this act shall not apply. Proviso.

2. *And be it enacted*, That within the limits of the said premises the said board of trustees, directors, managers, commissioners or other corporate authorities shall have power, by ordinance or otherwise, to regulate and restrain the running of any railroad train, locomotive or cars upon any railroad track within said premises, upon the first day of the week, commonly called Sunday, and if any corporation, person or individual shall, without the written consent of the said trustees, directors, managers, commissioners or other corporate authorities, run, operate, or cause to be run or operated over any railroad track within said premises, any railroad train, locomotive or cars, whether operated by steam, horse or other power, upon the first day of the week, commonly called Sunday, such corporation, individual or person so offending shall forfeit and pay to the said trustees, directors, managers, commissioners or other corporate authorities, for each and every of said acts, the sum of five hundred dollars, to be recovered

Board of trustees, managers, &c., authorized by ordinance to regulate and restrain the running of railroad trains on Sunday.

with costs of suit by the said trustees, directors, managers, commissioners or other corporate authorities, in an action of trespass on the case, in the circuit court of the county in which such act was committed; in said action it shall be sufficient to declare generally, and give notice of special matter, and execution may issue thereon as in other cases, one-half of any penalty thus collected shall, after deducting costs of collection, be paid to the overseer of the poor of the county or township wherein such act was committed; *provided*, that this act shall not prevent the running of any railroad train, locomotive or cars through said premises to any other terminal point; *and provided further*, that nothing in this act contained shall be construed to prevent the running of any railroad train, locomotive or cars at any time over any railroad heretofore or hereafter constructed or located.

Proviso.

Proviso.

Trustees, managers, &c., authorized by ordinance or otherwise to regulate the landing of persons on piers by means of boats, &c., &c., on Sunday.

3. *And be it enacted*, That the said trustees, directors, managers, commissioners or other corporate authorities, shall have power, by ordinance or otherwise, to regulate and restrain, within the limits of said premises, or upon any pier or landing place adjacent thereto, the carrying of any person by means of any boat or vessel of any kind to and from said premises, piers or landing place upon the first day of the week, commonly called Sunday, and to regulate and restrain the landing on said premises by either public or private conveyance, of any person on the first day of the week commonly called Sunday, except on errands of mercy, sickness or death, and to regulate and restrain the manufacture and sale of tobacco in any of its forms within said premises, and if any person shall, without the written license of the said trustees, directors, managers, commissioners or other corporate authorities first obtained, commit any of the acts in this section named, he shall forfeit and pay to the said trustees, directors, managers, commissioners or other corporate authorities a penalty of five dollars for each and every offence, and for each and every person so landed or carried, to be recovered, with costs of prosecution, in the same manner, and by the same proceedings, as are mentioned and described in the first section of this act.

Act—how construed.

4. *And be it enacted*, That nothing in this act contained shall be construed as in any way limiting or abridging any of the rights, powers and privileges conferred by the act to which this is a supplement or by other acts upon any board of trus-

tees, directors, commissioners or other corporate authorities of any incorporated camp meeting association or sea-side resort.

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXII.

A Supplement to an act entitled "An act concerning cemetery associations and regulating the election of trustees," approved April third, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual elections of trustees, ^{Annual election of trustees to be by ballot.} held after the election for trustees provided for in the first section of the act to which this is a supplement, shall be by ballot, and shall be held at the principal office or place of business in this state of such cemetery company or association, in the said act provided for; at which annual elections, every person of full age owning a lot in said cemetery, and in case of a joint or several ownership in any lot, then such one of the parties in interest as the majority of ownership in such lot shall designate to represent such lot, may, either in person or by proxy in writing, give one vote for each lot so owned; *provided*, no person ^{Proviso.} shall give, as owner or by proxy, more than twenty-five votes at any one election for trustees; and the persons receiving the largest number of the votes given at such election, shall be and remain the lawful trustees of such company until their successors are lawfully appointed; and said trustees appointed at such annual elections, shall be chosen from the lot owners, and shall not exceed the number of trustees provided by law for such company.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXIII.

An Act in relation to assessments in townships.

Township committee to ascertain amount of costs and expenses of improvements.

Upon application, judge of court to appoint commissioners to make assessment.

Commissioners to make assessment upon all lands benefited by improvement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the costs and expenses of grading, flagging or paving any street, or section of a street, in any township or polling district therein, in this state, shall not have been assessed under and pursuant to the act or acts of the legislature of this state authorizing such grading, flagging or paving to be done, and an assessment of the costs and expenses thereof cannot now be lawfully made thereunder, or if any such assessment shall have been made and the law or laws in virtue of which they were made shall have been declared by the courts of this state to be unconstitutional or void, it shall be the duty of the township committee of any such township in which such polling district may be or shall have been, or a majority of such committee, immediately after the passage of this act, to ascertain the whole amount of the costs and expenses of any such improvements, including discounts and interests on money borrowed, or expended, in making such improvements; so soon as conveniently may be, thereafter, such committee shall apply to the presiding judge of the circuit court in the county in which such improvement was made, for the appointment of commissioners to make an assessment of the same; upon making this application said judge shall appoint three judicious and disinterested freeholders residing in the county in which such improvement was made, none of whom shall be taxpayers in the township where made, to make said assessment, and he may in his discretion, and in such mode as he may direct, cause notice to be given to property owners whose lands lie adjacent to the street in which the improvement was made, of such application; when such appointment is made said commissioners in making the assessment shall assess upon all the lots or tracts of land and real estate benefited by such improvement such proportion of such

costs and expenses, including discounts and interests aforesaid, as will be equal to the amount of the benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such lots or tracts of land and real estate shall be deemed to acquire, and the balance of such costs, expenses, discounts and interests, if any remain unassessed, shall be a debt upon and paid by such township, and the township committee of said township is hereby authorized to raise in one sum, or by installments from time to time, by tax, in the same manner, and at the same time that other taxes in said township are raised, money sufficient to pay any such balance, and the interest accrued thereon.

2. *And be it enacted*, That all assessment made under the provisions of this act shall be payable, if the owner or owners of the land and real estate upon which said assessment shall be made shall so desire, in five equal annual installments with interest thereon, at the rate of six per centum per annum upon all deferred payments from the day the report hereinafter referred to shall be delivered to the collector of the township hereinafter mentioned to the day of such payment respectively, the first payment thereof to be made within one year from the time said report shall be delivered to the collector of the township as hereinafter mentioned, the second payment within two years thereof, and the third payment within three years thereof, and so on annually until the whole is paid; *provided*, that such owner may increase the amount of his installments in making such payments on the same terms.

Assessments may be payable in installments.

Annual payment to be made.

Proviso.

3. *And be it enacted*, That the said commissioners before they commence to make any assessment contemplated by this act shall take and subscribe an oath or affirmation before the said judge to make the said assessment, fairly and impartially, according to the best of their skill and judgment:

Commissioners to take oath.

4. *And be it enacted*, That the said commissioners shall make a report by a certificate in writing, of the assessments so made, and before proceeding to sign the same shall give an opportunity to the parties interested to examine the same, and shall give notice to the parties interested by posting the same in five of the most public places near said improvement, one of which shall be placed along the line thereof, and also a copy left at each occupied dwelling along the same, at what time and place in said township the said report may be exam-

Commissioners to make report and give notice to parties interested.

ined by them ; and also of the time and place when and where the parties interested can be heard by the said commissioners ; and after hearing the said parties, the said commissioners shall proceed to complete said report, making such alterations as they deem proper and necessary, and shall then sign the same, and deliver said report to the collector of said township.

Assessments to remain a lien upon lands.

5. *And be it enacted*, That the assessment authorized and directed by this act shall be and remain a lien upon the lands and real estate assessed, from the time said report shall have been delivered to the collector of said township, in the same manner and to the same extent that taxes are now liens upon lots or tracts of land and real estate in said township.

Township committee authorized to remit or deduct from assessments a per centum of such assessments.

6. *And be it enacted*, That if the owner or owners of any lot or tract of land and real estate, which shall be assessed for any improvement aforesaid, shall desire to pay the whole assessment which shall be made and levied under the provision of this act upon his or their lands and real estate, notwithstanding the provisions of the second section of this act, the said township committee, or a majority of them, are hereby authorized and empowered, after the report and certificate in writing shall have been delivered to the collector of the township as aforesaid, to remit or deduct from any and all assessments which shall be so paid, a sum not exceeding fifteen per centum of any such assessment ; *provided*, such payment is made within three months after said report and certificate shall have been in said collector's hands, and any such deductions shall be considered as a portion of the balance to be raised as aforesaid by said township.

Proviso.

Collector to collect assessments and to give notice thereof.

7. *And be it enacted*, That the collector of said township shall, as soon as the said report shall have been delivered to him, proceed to collect the assessments named in said report, and shall give notice, in like manner as is required of said commissioners in section four, successively, at least once in each week, stating in general terms the street or section of street comprised in such assessment, and requiring the owners of the lots or tracts of land and real estate assessed in and by said report to pay the amounts of said assessment to him.

Failure to pay assessments, lands to be sold.

8. *And be it enacted*, That if any assessment, or installment or installments thereof, upon any lot or tract of land and real estate made under the provisions of this act shall remain unpaid after the expiration of the time limited in the second

section mentioned, the said township committee may proceed to collect the said assessments by sale of the lots or tracts of land and real estate whereon said assessments have been imposed, and remain unpaid, in the same manner and to the same extent as lands and real estate are now sold for unpaid taxes in said township, and the purchaser or purchasers at any such sale or sales, and his legal representatives, shall hold and enjoy such lots or tracts of land and real estate, with the rents, issues and profits thereof, in the same manner as if he had purchased the same at a sale for the non-payment of taxes due thereon.

9. *And be it enacted*, That any owner deeming himself dissatisfied or aggrieved by the report of said commissioners, in respect to the assessment made by them as aforesaid, may appeal therefrom to the judge of the circuit court of the county in which his or her lands so assessed lie, at any time within thirty days from the date of the delivery of such report to the collector, giving written notice of such intended appeal, to said collector; upon making the application therefor to said judge, he shall thereupon order a trial by jury, to re-assess the benefits of the party so appealing, on an issue to be framed for that purpose, the trial whereof shall be conducted as in other cases of trial by jury; the assessment of said jury shall be entered by the clerk of the court in the court minutes, and a certified copy thereof given by him to said collector, who shall attach the same to said commissioners' certificate and report; and such assessment shall take the place of that made by said commissioners, and shall, in all respects, have the same force and effect as if originally made by them; if such re-assessment is less than the original one, judgment may be entered up for the costs of the appellant against said township, and if greater, judgment may be entered up for the costs of said township against the appellant.

10. *And be it enacted*, That for the purpose of meeting the costs and expenses of such improvements, it shall be lawful for the township committee to issue bonds under the seal of said township, and by the signature of the chairman thereof, with that of the township clerk, to an amount equal to said costs, expenses and accrued interest; said bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and be made payable at any time not exceeding ten years from their date, and shall not be negotiable at a

Owners aggrieved by report of commissioners, may appeal to circuit court.

Township committee authorized to issue bonds.

Assessments,
when paid and
taxes raised,
how applied.

Bonds may be
received in
payment of as-
sessments.

rate less than par; and all assessments for said improvements, and all taxes raised to meet the portion of the costs and expenses assessed to said township, when paid, shall be kept apart and used solely to pay said bonds with the interest thereon; said bonds shall also be receivable in payment of said assessments, for their full or face value, with the interest thereon.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXIV.

An Act to regulate the charges for keeping paupers and indigent persons in the lunatic asylums of this state.

Amount of
charge for
boarding and
maintaining
paupers or in-
digent persons
in lunatic asy-
lums.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful to charge the several counties of this state not more than the sum of three dollars per week for boarding and maintaining in the "New Jersey State Lunatic Asylum," or in "The State Asylum for the Insane, at Morristown, New Jersey," any pauper or indigent person who may be sent to such asylum or maintained there in the manner provided by law for his or her admission and maintenance at county expense.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXV.

A Further Supplement to an act entitled "An act respecting conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, Writings declaring or directing uses or trusts of real estate are often too informal to be recorded by authority of the present recording laws; for remedy whereof;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all writings heretofore made, or hereafter to be made, to declare or to direct any use or trust of real estate, or which, though made or to be made for some other purpose, are yet, by the terms of any recordable deed, or will which refers to such writing, made to operate as such a declaration or direction, may be recorded in the same manner as deeds are recorded in the office of the clerk of the county in which such real estate is situate; *provided*, that such writing shall be recorded in the office of the register of deeds instead of in the office of the clerk of the county, when both offices exist in the county in which such real estate is situate.

2. *And be it enacted*, That every such writing, before being recorded, shall be proved by the subscribing witness thereto, or acknowledged by the grantor thereof, in like manner as deeds of conveyance of real estate are now required to be acknowledged or proved except as provided in the next section.

3. *And be it enacted*, That when any such writing derives its force as such a declaration or direction from any recordable deed or will which refers to such writing, and such deed or will has been or shall have been duly acknowledged or proved and recorded, and such writing is not susceptible of being proved or acknowledged as required in section two of this act, then such writing, so operating as such a declaration or direction may be recorded as aforesaid, notwithstanding the same

Preamble.

Certain writings may be recorded in office of county clerk.

Proviso.

Writing to be proved or acknowledged as deeds, &c.

When writings may be recorded that is not proved or acknowledged.

Proviso.

may not be proved or acknowledged ; *provided*, that in such case satisfactory proof shall be made before the circuit court of the county in which the real estate is situate, to be evidenced by the certificate of the presiding judge of said court endorsed upon the said writing, over his signature, that the writing so offered to be recorded is the identical writing so referred to in such recorded deed or will ; and ten days' notice of the application to said court shall be given, by publication in a newspaper published in the county where the land is situate, or when no newspaper is published in such county, then the notice shall be published in a newspaper circulating in such county.

Record and
copies to be
evidence.

4. *And be it enacted*, That the record of such writings with such certificate thereon, and certified copies of such records shall be evidence in the same manner and in like cases as the records of deeds.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXVI.

An Act to authorize cities to sell and convey such titles to lands as may have been acquired by purchasing such lands for the non-payment of assessments for improvements.

Preamble.

WHEREAS, Heretofore in many of the cities of this state public improvements were caused to be made by filling in, grading, curbing, flagging or paving streets, or by building sewers therein, for which improvements the lands supposed to have been benefited by such improvement or improvements were assessed, and for non-payment of such assessment or assessments, such lands have been advertised for sale for a term of years and for want of other purchasers such lands have been purchased for a term of years as aforesaid, for the benefit of such city or cities in which such lands were situate ; *and whereas*, by reason of the accumu-

lation of interest on such assessments and the general depreciation in the values of real estate, in many cases the owners of the fee in such lands so assessed and sold as aforesaid have neglected and refused to redeem such lands for more than the time limited by law for redemption thereof after the said lands were sold as aforesaid, whereby the title of such cities for the term or terms aforesaid have become absolute; *and whereas*, such cities have no means of utilizing the lands so purchased for non-payment of assessments; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any city or cities in this state have or hold any lands by virtue of any purchase or purchases under any sale of such lands for the non-payment of any assessment or assessments thereon for any improvement or improvements heretofore made, or claim to have any lien upon, or right, title or interest of, in or to such lands by virtue of such purchase or purchases heretofore made, where the time limited by law for the redemption thereof has expired it shall be lawful for the mayor and council, mayor and aldermen, or the corporate authorities of such city, by whatever name they may be called, to designate a time and place for sale, and to direct the city clerk of such city to advertise and sell at public vendue to the highest bidder, all the right, title and interest which such city has or claims to have of, in and to such lands purchased for the non-payment of assessments aforesaid; *provided, nevertheless*, such lands shall be sold subject to the lien and encumbrance of all unpaid taxes at any time heretofore assessed and levied thereon by the law of general taxation for state, county and municipal purposes, and also subject to unpaid water rates.

2. *And be it enacted*, That notice of the time and place, when and where such sale will be made, together with a description of such lands, and the city's term therein, shall be posted in five public places in such city for at least thirty days, and published in at least one newspaper printed, published and circulating in such city, once each week for four weeks successively previous to such sale.

3. *And be it enacted*, That such lands or the right, title and interest of such city or cities therein shall be sold in separate lots or parcels of the same dimensions as the same were originally assessed and purchased by such city or cities; ex-

Corporate authorities to designate time and place, and sell at public sale all right, title, &c., to lands, &c.

Proviso.

Notice of sale to be posted and advertised.

Lands to be sold separately.

cept in cases where assessments have been divided and apportioned under some existing law to correct mistakes, or to allow a portion or portions of a lot or lots so assessed to be redeemed; and in such cases such lot or lots or parts of lots shall be sold separately, according to the new apportionment or apportionments.

When sale may
be adjourned.

4. *And be it enacted*, That in case at the time and place so appointed for the sale of such lots or parcels of land, no person shall bid or offer to pay for the same, at least one-fourth part of the amount of principal and interest of the assessment or assessments existing against any lot or lots so offered for sale as aforesaid, the sale of such lot or lots shall be adjourned for not less than two weeks nor more than six weeks, at which adjourned sale such lot or lots may be sold to the highest bidder therefor, without regard to the amount owing on such assessment or assessments.

City authorities
to make and
publish condi-
tions of sale

5. *And be it enacted*, That the city authorities of the city making such sale shall have power to make and publish such conditions of sale, as to payments and delivery of deeds of conveyance as they may deem expedient, and that upon compliance with such conditions by the purchaser or purchasers of any lot or lots, such city, by its mayor or other duly authorized agent or agents, shall sign, seal and deliver a deed to such purchaser or purchasers conveying all the right, title and interest which such city has or claims to have of, in and to the lands therein described, which deeds, the execution thereof having been duly proved, may be recorded in the office of the clerk or register of the county in which such lands are situated, the same as other deeds of conveyance, subject nevertheless to the lien and encumbrance thereon of all taxes previously assessed thereon by general taxation, for state, county and municipal purposes, and subject to all unpaid water rates, such taxes and water rates to remain liens thereon, the same to all intents and purposes until paid as if such sale and conveyance of assessment, title or titles had not been made; *provided, nevertheless*, that no city shall have power to warrant the title which such city professes to sell and convey.

Mayor, &c., to
deliver deed to
purchaser.

Proviso.

Repealer.

6. *And be it enacted*, That all acts and parts of acts whether special or general, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXVII.

An Act to prevent the adulteration of food or drugs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall, within the state of New Jersey, manufacture, have, offer for sale or sell, any article of food or drugs, which is adulterated, within the meaning of this act, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars for a first offence, and one hundred dollars for a second and subsequent offences. Unlawful to manufacture or sell adulterated food or drugs. Penalty.

2. *And be it enacted*, That the the term "food," as used in this act, shall include every article used for food or drink, by man, and that the term "drug," as used in this act, shall include all medicines for internal or external use. Word "Food" —how construed.

3. *And be it enacted*, That any article shall be deemed to be adulterated, within the meaning of this act; What deemed an adulteration.

(a)—IN THE CASE OF DRUGS.

First. If when sold under or by a name recognized in the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; When differs from recognized standard.

Second. If when sold under or by a name not recognized in the United States pharmacopœia, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; When not recognized in United States Pharmacopœia.

Third. If its strength or purity fall below the professed standard under which it is sold; When strength or purity falls below professed standard.

(b)—IN THE CASE OF FOOD OR DRINK.

First. If any substance or substances has or have been mixed with it, so as to reduce or lower, or injuriously affect its quality or strength; When mixed with other substances.

Second. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article; Inferior or cheaper substances.

When constituent has been abstracted.

Third. If any valuable constituent of the article has been wholly or in part abstracted ;

Imitation.

Fourth. If it be an imitation of or be sold under the name of another article ;

When consists in whole or in part of diseased or putrid substances.

Fifth. If it consist wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not ; or in case of milk, if it is the produce of a diseased animal ;

When colored, &c.

Sixth. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value ;

When containing poisonous or injurious ingredients.
Proviso.

Seventh. If it contain any added, poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it ; *provided*, that the state board of health may, with the approval of the governor, from time to time declare certain articles or preparations to be exempt from the provisions of this act ; *and provided further*, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food ; *provided*, that the same are not injurious to health, and that the articles are distinctly labeled as a mixture.

Proviso.

Proviso.

State board of health to fix limits and standard when not established.

4. *And be it enacted*, That the state board of health shall, from time to time, fix the limits of variability permissible in any article of food, or drug or compound, the standard of which is not established by any national pharmacopœia.

State board of health to make investigations and inquiries relating to sale of food and drugs, &c.

5. *And be it enacted*, That the state board of health shall take cognizance of the interests of the public health, as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries relating thereto ; it shall also have the supervision of the appointment of public analysts and chemists, and upon its recommendation, whenever it shall deem any such officers incompetent, the appointment of any and every such officer shall be revoked, and be held to be void and of no effect ; within thirty days after the passage of this act, the state board of health shall meet and adopt such measures as shall seem necessary to facilitate the enforcement of this act, and prepare rules and regulations with regard to the proper methods of collecting and examining articles of food or drugs, and for the appointment of the necessary inspectors and analysts ; and the said board shall be authorized to expend, in addition to

When to meet and adopt measures, and appoint inspectors, &c.

Amount authorized to be expended.

all sums already appropriated for said board, an amount not exceeding five hundred dollars for the purpose of carrying out the provisions of this act.

6. *And be it enacted*, That every person selling, or offering or exposing any article of food or drugs for sale, or delivering any article to purchasers, shall be bound to serve or supply any inspector appointed under this act, who shall apply to him for that purpose, and on his tendering the value of the same for a sample sufficient for the purpose of analysis of any article which is included in this act, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offence, and one hundred dollars for a second and subsequent offence. Persons selling bound to deliver to inspector sample of foods or drugs. Penalty.

7. *And be it enacted*, That any violation of the provisions of this act shall be treated and punished as a misdemeanor, and whoever shall impede, obstruct, hinder or otherwise prevent any analyst, inspector or prosecuting officer, in the performance of his duty, shall be guilty of a misdemeanor, and shall be liable to indictment and punishment therefor. Penalty for violating provisions of this act.

8. *And be it enacted*, That any acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealer.

9. *And be it enacted*, That this act shall be deemed a public act, and shall take effect at the expiration of thirty days after it shall become a law. When to take effect.

Approved March 25, 1881.

CHAPTER CCXVIII.

A Supplement to an act entitled "An act for the better security of depositors in savings banks," approved April fifth, one thousand eight hundred and seventy-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is a supplement, be and the same is hereby amended so as to read as follows : Section amended.

Deposits—how
invested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful, from and after the passage of this act, for any savings bank, or other savings institution, whether chartered or incorporated under a general or special act of the legislature of this state, and any provision contained in the charter, or any supplement thereto, of such savings bank or savings institution to the contrary, to invest the moneys deposited with the same in any manner, except as follows, to wit:

Securities—
United States
stocks or
bonds.

I. In the stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof;

State bonds.

II. In the interest-bearing bonds of this state;

Bonds of other
states, &c.

III. In the bonds of any state in the union that has not, within ten years previous to making such investment by any such bank or institution, defaulted in the payment of any part of either principal or interest in any debt authorized by any legislature of such state to be contracted;

Stocks or bonds
of cities in this
or other states.

IV. In the stocks or bonds of any city, town, county or village of this state, issued pursuant to the authority of any law of this state, or of the cities of New York, Brooklyn and Philadelphia, or in any interest-bearing obligations (other than those commonly known as improvement certificates), issued by the city, town or borough in which such bank or institution shall be situated;

Bonds and
mortgages.

V. In bonds secured by mortgages which shall be a first lien on real estate situate in this state, and worth at least double the amount loaned thereon, but not to exceed eighty per centum of the whole deposits shall be so loaned or invested; but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee of at least three of the managers, directors or trustees of any such bank or institution, and a majority of which committee shall certify to the value of the premises mortgaged or to be mortgaged according to their best judgment; such report shall be filed and preserved among the records of the institution;

Real estate.

VI. In real estate strictly in accordance with the following provisions:

(a) A plot whereon is erected, or may be erected; a building or buildings requisite for the convenient transaction of its business, and from portions of which, not required for its own use, a revenue may be derived; the costs of such building or buildings and lot shall in no case exceed fifty per centum of the net surplus of such corporation;

(b) Such as shall have been purchased by it at sales upon the foreclosure of mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts; and all such real estate mentioned in the last preceding clause in this sub-division shall be sold by such corporation within five years after the same shall have been so purchased, unless, upon application by such corporation to the state board having the supervision of savings banks in this state, the same shall extend the time within which such sale shall be made; *pro-Provido.* *vided*, that nothing in this act shall be construed or held to alter, affect or repeal the provisions of the fourth section of the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect.

Approved March 25, 1881.

CHAPTER CCXIX.

An Act to prevent gaming and the use of gaming implements by minors in places where alcoholic, vinous or malt liquors, or intoxicating drinks of any kind are sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any proprietor or keeper of any saloon or other place where alcoholic, vinous or malt liquors, or intoxicating drinks of any kind are sold, shall himself, or by his agent, barkeeper or other employee, permit or allow in any such place any gaming by minors, or any playing by minors, under the age of eighteen years, with Penalty for selling various malt liquors or permitting the playing of games, &c., to minors.

cards, dice, billiard or pool balls, or any other article, device, tool or instrument whatever, such as are used in gaming, he shall be deemed to have committed a misdemeanor, and upon conviction thereof, shall be subject to fine or imprisonment, or both, as follows: for the first offence a fine of not less than ten dollars and not more than twenty-five dollars, or imprisonment in the county jail for a term not exceeding ten days, at the discretion of the court; for the second offence, a fine not less than twenty-five dollars and not more than fifty dollars, or imprisonment in the county jail for a term not exceeding thirty days, at the discretion of the court; and for each and every subsequent offence a fine of not less than fifty dollars and not more than one hundred dollars, or imprisonment in the county jail for a term not exceeding three months, or both, at the discretion of the court; *provided*, this act shall not be construed to prohibit playing by minors when accompanied by a parent or guardian; or when parents or guardians have previously given to the keeper of the saloon or other place where intoxicating drinks are sold, written permission for their sons or wards to play in such saloon.

Proviso.

Act—when to take effect.

2. *And be it enacted*, That this act shall take effect on the first day of April, in the year of our Lord one thousand eight hundred and eighty-one.

Approved March 25, 1881.

CHAPTER CCXX.

An Act authorizing the construction of sewers or drains in certain cities, when necessary to preserve the public health, although the limit of authorized expenditure for public improvements in such cities would thereby be exceeded.

Common council may construct or order sewer or drains to be constructed to preserve public health, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the board of health in any city of this state shall, after due examination and consideration, determine, by resolution in writing, adopted or con-

curring in by two-thirds of the members of said board, that it is necessary for the preservation of the public health, or the prevention of the cause or spread of disease, that a sewer or drain, or sewers or drains should be constructed in any locality in said city, and shall certify to the common council or other legislative or governing body of such city, such resolution, and the reasons for which it was adopted, then said common council or other legislative or governing body, if in their judgment such sewer or drain, or such sewers or drains seem to be necessary, as a sanitary measure, may construct or order, direct and cause such sewer or drain, or sewers or drains to be constructed, although the limit of authorized expenditures for public improvements in such city would thereby be exceeded; *provided*, that such excess of expenditure shall not in any case exceed the sum of fifty thousand dollars in any one year.

2. *And be it enacted*, That before any ordinance providing for the construction of any such sewer or drain shall be presented for the action of the legislative or governing body of any such city, all existing legal requirements with respect to the notice of intention to construct the same, shall be in all respects complied with. All legal requirements to be complied with.

3. *And be it enacted*, That in order to pay for such improvements, it shall be lawful for said city to make temporary loans in anticipation of the collection of assessments therefor, and to secure the payment of such loans by debt certificates of the city; which loans may be made pursuant to a resolution of the legislative or governing body of said city, and shall not exceed the amount of such anticipated assessments; said loans may run, with any renewals thereof, until such assessments are sold and funded; and no such certificate shall be valid in any hands if issued after the issue of the amount hereby limited; and the assessments for such improvement, when made, shall be applied as collected, to the payment of said certificates, and for no other purpose whatsoever. Temporary loans to pay for improvements may be issued.

4. *And be it enacted*, That assessments for benefits from such improvement shall be made, levied, collected, and be a paramount lien, upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in force in such city with respect thereto; and if the said costs and expenses exceed the amount of such assessed benefits, such excess shall be paid by the said city, and raised in Assessments for benefits from improvements—how made, levied and collected.

Costs and expenses exceeding benefits—how raised.

the annual tax levy following the ascertainment of the amount thereof assessed upon said city ; and the moneys so raised as aforesaid shall be pledged to the payment of the obligation of the city incurred in the construction of the said works.

Bonds may be issued to fund temporary indebtedness.

5. *And be it enacted*, That in order to fund any temporary indebtedness created by any city under the authority of this act, in anticipation of the collection of such assessments, it shall be lawful for such city, after sale of the lands and real estate whereon said assessments are a lien, by resolution of its legislative or governing body, to issue its bonds for such an amount (not exceeding the amount of liens purchased by said city at its sale for such unpaid assessments), bearing such rate of interest (not above the legal rate), and payable at such times and manner as the legislative body of said city shall determine ; and whenever any bonds shall be issued by any such city to fund its temporary indebtedness as aforesaid, all outstanding certificates of indebtedness of such city, issued as aforesaid, shall be immediately paid and cancelled ; and thereafter, all moneys received on account of the redemption of real estate so sold for such assessments shall be pledged to commissioners of a sinking fund created for that purpose, and applied to the payment of said bonds at maturity.

Certificates of indebtedness to be paid and cancelled.

Repealer.

6. *And be it enacted*, That all acts, general or special, inconsistent herewith, are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXI.

An Act to repeal an act entitled "An act for the government of cities," approved March eight, one thousand eight hundred and seventy-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act for the government of cities," approved March eight, one thousand eight hundred and seventy-seven, be and the same is hereby repealed.

Approved March 25, 1881.

CHAPTER CCXXII.

An Act relative to railroad crossings and to prevent accidents.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That where any public road crosses the road bed and tracks of any railroad company in this state, it shall not be lawful for the surveyors of the highways, or other body having the power to lay out or vacate public roads in this state, to lay out or locate a public road across such railroad and tracks, within a distance of five hundred feet of such other public road or crossing; *provided*, that this act shall not apply to incorporated cities.

Unlawful to lay out or locate a public road across railroads within five hundred feet of other public road.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXIII.

A Supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any turnpike or other public road, or any part thereof, in any county of this state, shall have been purchased and acquired, the same, so far as it lies in any township of said county, shall, at the cost and expense of the said township, and not at the cost and expense of the said county, be graded, regulated, worked, repaired, maintained and kept up, and, if deemed necessary or proper by the

Turnpikes or other roads, purchased or acquired, to be graded, maintained, &c., at the cost and expense of township.

inhabitants of said township, the same or some portion thereof shall be macadamized, and such grading, regulating, working, repairing, maintaining, keeping up and macadamizing shall be done by such person or persons as may for that purpose be employed by the town committee of said township, and in such manner as said town committee shall order and direct; and the amount of money necessary for paying the cost and defraying the expense aforesaid shall be determined by the inhabitants of said township in the same manner in which they now are or hereafter may be authorized by law to determine the amounts to be expended for township purposes, and shall be raised by taxation in the same manner as other township taxes.

Costs and expenses to be raised by taxation.

When road forms a division line, the amount raised to be expended on portion allotted to township.

Township not to be held responsible for portion not allotted or assigned.

Amount of money to be raised for maintaining and keeping up, &c., the road, to be specified on ballots at election.

2. *And be it enacted*, That if such road, or any part thereof, so as aforesaid purchased and acquired, shall form the division line between two or more townships in any county of this state, and if specific portions thereof shall have been allotted or assigned, in such manner as may be authorized by law, to said townships respectively, to be by them graded, regulated, worked, repaired, maintained, kept up and macadamized, the amount so as aforesaid to be raised in any township shall be wholly expended on that portion of said road so as aforesaid allotted or assigned to said township; and the inhabitants of said township shall in no case be held responsible for not grading, regulating, working, repairing, keeping up or macadamizing any portion of said road not allotted or assigned to said township as aforesaid, although some part thereof may lie within the boundary line of said township; but therefor, the inhabitants of the township to which any portion of said road shall have been allotted or assigned as aforesaid shall alone be responsible, although some part thereof may lie within the boundary line of said township.

3. *And be it enacted*, That at every annual election of township officers, in any township required by the provisions of this act to grade, regulate, work, repair, maintain, keep up or macadamize such road or any part thereof, so as aforesaid purchased and acquired, the amount of money so as aforesaid to be expended thereon, and also that portion of said amount to be expended in macadamizing the same, if any, shall be specified on the ballots and be voted for, and be determined on a canvass of the votes, as other amounts to be raised for township purposes are by law determined.

4. *And be it enacted*, That if, for any reason, the amount so to be expended on such road as aforesaid, by such township, shall not have been voted for and determined at such annual election, the town committee of such township may, at their discretion, resolve that a town meeting be held for the purpose of determining the amount to be raised for expenditure on said road, and the portion thereof to be expended in macadamizing the same, and notice thereof, and of the time, place, and object or purpose thereof, shall be given; and the same shall be held and conducted in the manner required by law in other cases of special town meetings.

Failure to vote money, town committee may call a town meeting to determine amount of money to be raised.

5. *And be it enacted*, That said amount to be expended on said road by said township shall be assessed and collected by the assessor and collector, or other proper officer or officers of said township, in the manner and at the time prescribed by law for the assessment and collection of other township taxes, and for assessing and collecting the same such officers shall each receive, as additional compensation, fees equal to the one-half part of such fees as they may by law be authorized to receive for the assessment and collection of state and county taxes.

Amount to be expended—how assessed and collected.

6. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act concerning bridges and turnpikes,'" approved March twelfth, one thousand eight hundred and seventy-eight, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, and the act entitled "A supplement to an act entitled 'Supplement to an act concerning bridges and turnpikes,'" approved March fourteenth, one thousand eight hundred and seventy-nine, which supplement was approved March fourth, one thousand eight hundred and eighty, be and the same are hereby repealed.

Certain acts repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXIV.

An Act concerning the compensation of commissioners of highways.

Members of
board of com-
missioners of
highways not
entitled to com-
pensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter members of any board of commissioners of highways in any township in this state, elected under and by virtue of the provisions of any special act, at the time and in the manner that other township officers are elected, shall not be entitled to receive any compensation for their services as such commissioners.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXV.

An Act to provide for the recording of surveys of the route or routes of railroads within this state.

Surveys of rail-
road compa-
nies to be re-
corded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where, under the provisions of any law of this state, any survey of the route or routes of any railroad authorized by any law of this state, or the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof, have heretofore been deposited or shall hereafter be deposited in the office of the secretary of state, it shall be the duty of the sec-

retary of state, upon being thereunto requested by the corporation operating such railroad, and with the assent of the board of directors of the corporation itself, whose road may be leased or operated by any other railroad, to record such survey at length in a proper book to be by him provided at the expense of the state for that purpose upon payment of the fees provided by law for the recording of deeds; and the record aforesaid, or the transcript of such record, duly certified to be a true copy, under the seal of the secretary of state, shall be received in evidence in any court of this state, and shall be effectual proof of the survey and location of the route or routes, works, buildings, conveniences, appurtenances and appendages of such railroad as delineated or expressed therein; *provided*, nothing in this act shall be construed to apply to any case touching which litigation is now pending.

Certified copy
of record to be
evidence.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXVI.

An Act concerning the publication of ordinances, financial statements and other public notices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state the ordinances passed by the city councils thereof shall be published in at least one newspaper, printed and published in the city affected by said ordinances, for at least two insertions before said ordinances shall become operative and binding.

Ordinances to
be published.

2. *And be it enacted*, That the said city councils shall publish the annual financial statements of such cities, in at least one newspaper, printed and published in the city for which said financial statement is made, for at least two insertions; and all other public notices, required by law to be published in any manner, shall be published in at least one newspaper in said cities for at least two insertions; *provided*, that in any

Annual finan-
cial statements
and public no-
tices to be pub-
lished.

Proviso.

case where such publication is made in two newspapers, said papers shall not be of the same political party, unless all the papers published in such city are of the same political party.

Compensation
for publishing
ordinances,
statements, &c.

3. *And be it enacted*, That the newspaper publishing such ordinances, financial statements, and all other public notices, shall have been published for a period of two years before such publication can be legally made therein, and that the compensation for publishing the above mentioned ordinances, financial statements, and other public notices, shall be the same as is now allowed for legal advertising in this state, and no more; and that in such cities as now have or may hereafter have more than one official paper, the ordinances, public notices and official minutes of the municipal boards in said city shall be published in said official papers, and that the compensation for such publications in cities having more than one official paper shall be fixed by the authorities appointing such papers.

4. *And be it enacted*, That all acts or parts of acts in conflict with this act are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXVII.

An Act to amend an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-six of said act be amended as follows:

Expenses of
institutes to be
paid by treas-
urer.

76. *And be it enacted*, That for the purpose of defraying the expenses of teachers' institutes, the procuring of teachers and lecturers for said institutes, and other necessary expenses of the same, there may be paid, annually, to the state superintendent of public instruction, a sum not exceeding one hundred dollars to one teachers' institute in any county, or in any

two or more adjoining counties of this state, the same to be paid out of the state treasury on the warrant of the comptroller, upon itemized accounts rendered to him by the state superintendent of public instruction, of the expenses incurred.

Approved March 25, 1881.

CHAPTER CCXXVIII.

An Act concerning the equitable settlement of past due taxes and assessments by boards of finance and taxation in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation or other board having control of the financial affairs of any city in this state, may make such equitable settlement of past-due taxes and assessments as such board shall deem to be for the best interests of such cities; *provided*, that such settlement shall not apply to any taxes or assessments due after the first day of May, one thousand eight hundred and seventy-nine; *and provided further*, that such settlement shall be made before the first day of March, one thousand eight hundred and eighty-three; *and provided further*, that the said board of finance and taxation shall put into the tax levy, each year, any and all deficiencies accruing or arising from any settlement, adjustment or compromise of any taxes or assessments under the provisions of this act.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXIX.

A Supplement to an act entitled "An act concerning corporations," [Revision], approved April seventh, one thousand eight hundred and seventy-five.

In proceedings
against foreign
corporations,
upon whom
writs may be
served.

Proviso.

Refusal to
make proper
return to writ,
court empow-
ered to attach
property of
corporation.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That in all proceedings in any of the courts of this state against any foreign corporation, or body corporate, not holding its charter under the laws of this state, in any matter requiring the use of any prerogative writ, such writ may be served upon the president, vice president, secretary, or other head officer of such corporation or body corporate, or upon any director thereof, either personally or by leaving a copy thereof at the dwelling house or usual place of abode of such officer or director, or upon any general agent, attorney, or solicitor, superintendent or manager of such corporation, and such service shall be good and valid to all intents and purposes; *provided,* that this act shall only apply to or affect the service of writs of mandamus or prerogative writs hereafter to be issued in proceedings or actions hereafter to be commenced or instituted.

2. *And be it enacted,* That in case any such corporation, after the service of any such writ, as aforesaid, shall neglect or refuse to make a proper return thereto, or shall neglect or refuse to obey the command of any such writ, when issued upon any judgment, order or decree of the supreme court, court of chancery, or any of the circuit courts of this state, and served as aforesaid, within the time prescribed by such writ; the said courts shall have power, and authority is hereby given them, to enforce such writs by attachment against the property and estate, goods and chattels, rights and credits of such corporation, that may be found within this state.

3. *And be it enacted,* That all acts and parts of acts inconsistent with the provisions of this act be and are hereby

repealed, and that this shall be a public act and take effect immediately.

Approved March 25, 1881.

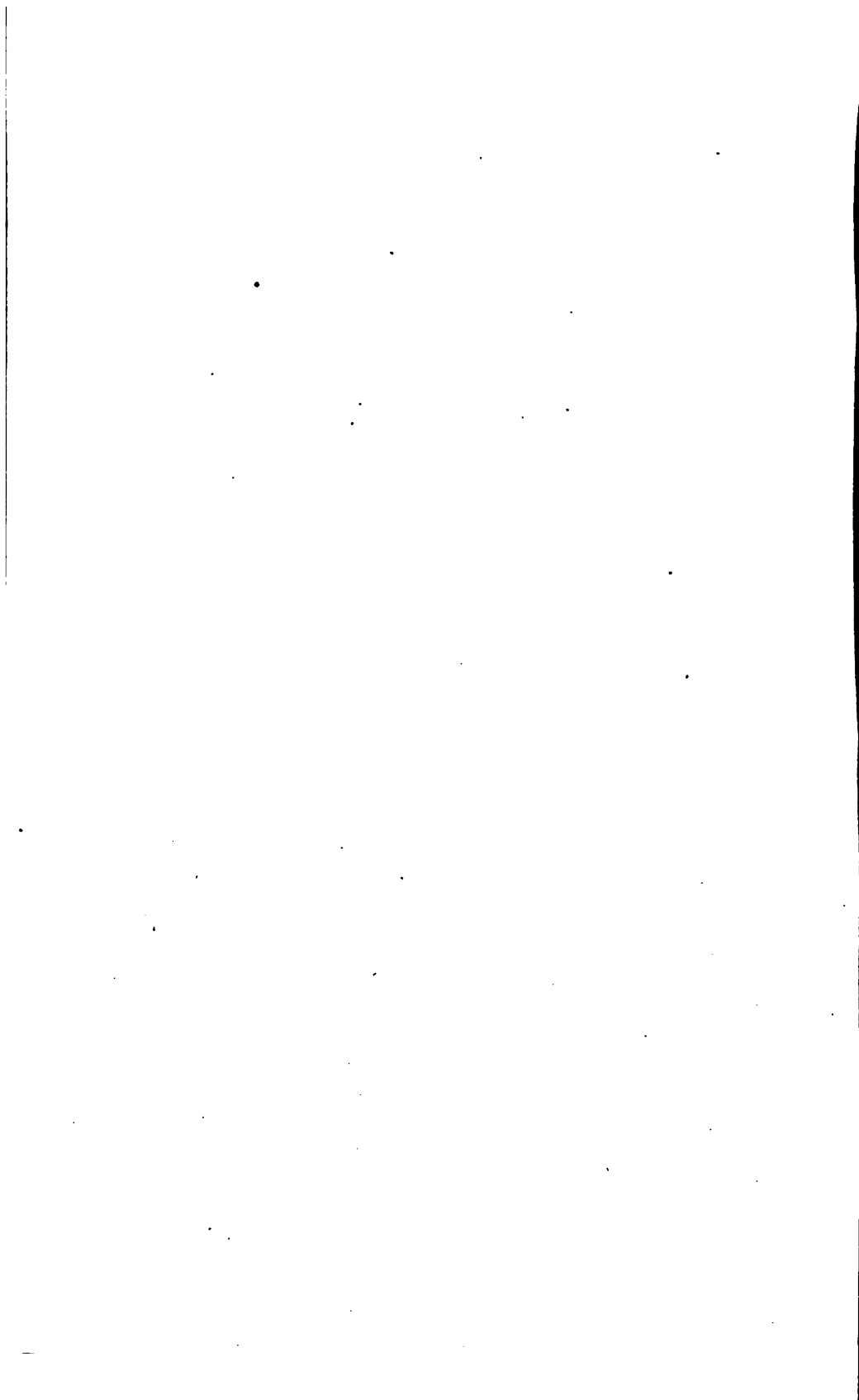
CHAPTER CCXXX.

An Act respecting licenses in cities, incorporated boroughs, or police, sanitary and improvement commissions and incorporated camp meeting associations or seaside resorts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen or other governing body of any city, incorporated borough, or police, sanitary and improvement commission, incorporated camp meeting association or seaside resort, in this state, to make and establish ordinances for the following purposes, viz., license and regulate cartmen, porters, hack, car, omnibus, milk wagon, stage and truck owners and drivers, and carriages and vehicles used for the transportation of passengers, baggage, merchandise, goods and articles of any kind, auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath houses, boarding houses and news stands, sweeps and scavengers, traveling shows and circuses, and to fix the rates of compensation to be paid therefor, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities; and the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm situated in this state. Authorized to make and establish ordinances for licensing of cartmen, hacks, stages, cars, &c., &c.
2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately. Proviso.

Approved March 25, 1881.

JOINT RESOLUTIONS.



JOINT RESOLUTIONS.

NUMBER I.

Joint resolution for the better ventilation of the senate and assembly chambers.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the needed alterations and improvements shall be made in the ventilation of the senate and assembly chambers, upon such plan as may be adopted and approved by the governor and the treasurer, for the better ventilating of the same, and for the prevention of the downward currents of cold air, the same to be done in a permanent and substantial manner, at an expense not exceeding five hundred dollars, and the necessary amount for that purpose is hereby appropriated for the payment of the same, the bills for which shall be audited by the comptroller, and upon the approval of the governor, paid on his warrant, by the treasurer.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved February 23, 1881.

NUMBER II.

Joint Resolution in reference to revision of the statutes for use of the courts.

WHEREAS, The number of copies of the revision of the statutes of New Jersey in the state library is insufficient for the use of both the courts and the legislature,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer is hereby authorized and directed to furnish to the state librarian twelve copies of the revision of the statutes of the state of New Jersey, the same to be plainly stamped, "State Library of New Jersey," and delivered to the sergeants-at-arms of the state courts, for use in said courts when in session at the state house in Trenton.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved February 24, 1881.

NUMBER III.

Joint Resolution to authorize the payment of the expenses of the New Jersey State Rifle Team.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the treasury be and he is hereby authorized and empowered to draw his warrant for and the treasurer is authorized to pay the expenses incurred by the military state team that represented this state at the late fall meeting of the National Rifle Association at Creedmoor; *provided*, the amount thereof shall not exceed two hundred and fifty dollars.

2. *And be it resolved*, That this resolution shall take effect immediately.

Passed February 28, 1881.

NUMBER IV.

Joint Resolution respecting the celebration of the centennial of the battle of Cowpens, and the erection and unveiling of a memorial column, at Spartanburg, South Carolina, in honor of the victors.

WHEREAS, It is proposed by the state of South Carolina to erect at Spartanburg, in that state, a memorial column in honor of the soldiers, from the north and south, who achieved a victory at the battle of Cowpens, in the war of the revolution; *and whereas*, the state of New Jersey, as one of the thirteen states forming the original union, has been invited to participate in said erection and unveiling, and to make a small money appropriation for the purpose of being formally identified with the enterprise; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our state cordially expresses its approval of the proposed action of the state of South Carolina, and cherishes the patriotic spirit and memories which prompt it, and that the state treasurer be and is hereby authorized and directed to pay to the treasurer of the state of South Carolina, out of any moneys in the treasury not otherwise appropriated, the sum of three hundred dollars, in order that the state of New Jersey may be formally identified with the memorial and in the panel thereon set apart for the middle states.

2. *And be it resolved*, That a delegation consisting of his excellency the governor, the president of the senate, the speaker of the house of assembly, and two members of the senate and two members of the house of assembly, to be appointed by the respective presiding officers thereof, be and are hereby author-

case where such publication is made in two newspapers, said papers shall not be of the same political party, unless all the papers published in such city are of the same political party.

Compensation
for publishing
ordinances,
statements, &c.

3. *And be it enacted*, That the newspaper publishing such ordinances, financial statements, and all other public notices, shall have been published for a period of two years before such publication can be legally made therein, and that the compensation for publishing the above mentioned ordinances, financial statements, and other public notices, shall be the same as is now allowed for legal advertising in this state, and no more; and that in such cities as now have or may hereafter have more than one official paper, the ordinances, public notices and official minutes of the municipal boards in said city shall be published in said official papers, and that the compensation for such publications in cities having more than one official paper shall be fixed by the authorities appointing such papers.

4. *And be it enacted*, That all acts or parts of acts in conflict with this act are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 25, 1881.

CHAPTER CCXXVII.

An Act to amend an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-six of said act be amended as follows:

Expenses of
institutes to be
paid by treasurer.

76. *And be it enacted*, That for the purpose of defraying the expenses of teachers' institutes, the procuring of teachers and lecturers for said institutes, and other necessary expenses of the same, there may be paid, annually, to the state superintendent of public instruction, a sum not exceeding one hundred dollars to one teachers' institute in any county, or in any

two or more adjoining counties of this state, the same to be paid out of the state treasury on the warrant of the comptroller, upon itemized accounts rendered to him by the state superintendent of public instruction, of the expenses incurred.

Approved March 25, 1881.

CHAPTER CCXXVIII.

An Act concerning the equitable settlement of past due taxes and assessments by boards of finance and taxation in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation or other board having control of the financial affairs of any city in this state, may make such equitable settlement of past-due taxes and assessments as such board shall deem to be for the best interests of such cities; *provided*, that such settlement shall not apply to any taxes or assessments due after the first day of May, one thousand eight hundred and seventy-nine; *and provided further*, that such settlement shall be made before the first day of March, one thousand eight hundred and eighty-three; *and provided further*, that the said board of finance and taxation shall put into the tax levy, each year, any and all deficiencies accruing or arising from any settlement, adjustment or compromise of any taxes or assessments under the provisions of this act.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1881.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 9, 1881.

NUMBER VII.

Joint Resolution to enable the state of New Jersey to take part in the celebration of the centennial anniversary of the battle of Yorktown.

WHEREAS, The congress of the United States, on the twenty-ninth-day of October, one thousand eight hundred and seventy-one, did adopt the following resolution : " That the United States, in congress assembled, will cause to be erected at York, Virginia, a marble column adorned with emblems of the alliance between the United States and his Most Christian Majesty, and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his Excellency General Washington, commander-in-chief of the combined forces of America and France, to his Excellency Count de Rochambeau, commanding the auxilliary troops of his Most Christian Majesty in America, and his Excellency Count de Grasse, commanding-in-chief the naval army of France in the Chesapeake ;" *and whereas*, the forty-sixth congress did, to carry into effect the foregoing resolution, enact a law appropriating one hundred thousand dollars to be expended under the direction of the secretary of war, in erecting the monument above referred to, at Yorktown, in Virginia, and also the sum of twenty-thousand dollars to make all necessary arrangements for such celebration of the centennial anniversary of the battle of Yorktown, on the nineteenth day of October, one thousand eight hundred and eighty-one, as shall befit the historical significance of that event and the present greatness of the nation ; *and whereas*, the congress of the United States appointed a joint committee to make all necessary arrangements for such celebration ; *and whereas*, the said committee of congress

have extended their invitations to the governors and the commissioners of all the states to be present on that occasion with their military staffs and such military organizations as they may wish to accompany them, and expressing the desire that at least the thirteen original states shall provide for as imposing a representation as possible, by the presence of their civil officers and their military organizations, and that each state shall provide itself with such means of transportation and accommodation while present at the celebration, as will enable it to take part in such local services as may take place; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor is hereby authorized and requested to organize a provisional battalion, composed of companies selected from the whole body of the national guard for their proficiency in drill and discipline and soldierly bearing, neatness in appointments and equipments, to be designated by inspection and competitive drill, and the governor may detail field and staff officers of suitable rank to command said battalion, and cause to be furnished the necessary transportation, such camp and garrison equipage and commissary and other stores requisite for their accommodation and subsistence while in camp at Yorktown, as may be creditable to this state and the occasion, and the governor is authorized and empowered to make his requisition upon the treasury to meet the necessary and proper expenses to carry out the provisions of this resolution, and the comptroller is hereby authorized to draw his warrant for the same, and the governor shall cause an accurate and detailed account to be kept of the expenditures, and shall file the same, together with proper vouchers, with the comptroller, who shall report the same to the next session of the legislature.

Approved March 17, 1881.

NUMBER VIII.

Joint Resolution in relation to sale of lands by the East Jersey Proprietors.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That in order to ascertain and quiet the title and rights of all parties and persons who have purchased, leased or acquired any lands under the waters or rivers of this state, by virtue of the authority of any of the enactments of the legislature of this state, and to ascertain and secure to such persons or parties the enjoyment of the same and the products thereof, against any alleged claim or attempted sale thereof by the board of proprietors, or their representatives, agents or agent, either heretofore or hereafter, and in order to restrain and prohibit all and every person or persons or association or board of proprietors from interfering with the right and property of the state of New Jersey, and of any person or persons enjoying possession of any part of the same, by authority of any of the acts of the legislature of this state, in said waters, and in said lands under or adjacent to said waters, and the products thereof, and from doing or to do any act which will in any way cast any cloud on the title of the state, or of any of such other persons or parties having, or lawfully or equitably claiming any right or title or property therein, by lease, deed or contract of any kind from the state; the attorney general of this state is hereby authorized and required, in the name of the state of New Jersey, and at the expense of the state, speedily to institute and prosecute, in the proper court or courts, such proceedings as he may deem necessary and proper to accomplish the objects and purposes above set forth, against the board of proprietors, their representatives or agents or any of them, who have attempted or may attempt to enforce any such sale or conveyance of, in or to any of said lands, or the products thereof, and as will determine and secure to the state of New Jersey, and to the

proper respective parties rightfully and lawfully claiming by deed, lease or contract under, by, through or with the state of New Jersey, title or property in said waters and the lands and products aforesaid, or any part of the same, the full and perfect title and enjoyment and use of the same.

Approved March 17, 1881.

NUMBER IX.

Joint Resolution to authorize the payment of assessments to the city of Trenton upon property of the state for street improvements.

WHEREAS, The common council of the city of Trenton have caused to be paved those parts of Clinton avenue and Perry street in said city, in front of property of the state of New Jersey, used for the purposes of the Normal and Model schools, and the boarding houses connected therewith, and the board of city assessors have duly assessed the sum hereinafter named upon the said property of the state as its proportion of the expense and of the actual benefit which said property has received from said improvement,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he hereby is authorized and directed to pay to the treasurer of the city of Trenton the sum of thirty-five hundred and ninety-nine dollars and twenty-two cents, the amount of said assessments.

Approved March 22, 1881.

NUMBER X.

Joint Resolution in relation to furnishing the state library of Minnesota with the laws, reports, et cetera, of New Jersey.

WHEREAS, The state library of Minnesota was destroyed by fire on March first, one thousand eight hundred and eighty-one; therefore,

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized and empowered to furnish to the state librarian such laws, reports, documents, et cetera, of this state as can be spared, to be forwarded to the state library of Minnesota.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 23, 1881.

PROCLAMATION.

PROCLAMATION.

BY GEORGE B. McCLELLAN, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

It has pleased the Almighty to bestow upon us during the past year the gifts of peace and plenty, immunity from pestilence, and a continuation of the temporal prosperity arising out of the bountiful crops with which He has blessed the land; it has also pleased Him to enable our people to pass safely through a period of great political excitement; therefore, in compliance with good custom handed down to us from our ancestors, I, George B. McClellan, Governor of the State of New Jersey, do hereby appoint Thursday, the twenty-fifth day of November, instant, as a day of public thanksgiving and praise to the Almighty God for all His blessings, and as a day of humble prayer that, notwithstanding all our unworthiness, He will bless us according to the measure of His love and mercy, and not according to our deserts.

Given under my hand and seal, at the executive chamber,
in the city of Trenton, this twelfth day of November,
[L. s.] ber, in the year of our Lord one thousand eight
hundred and eighty, and of the independence of
the United States the one hundred and fifth.

GEO. B. McCLELLAN.

By the Governor :

JOHN A. HALL, *Private Secretary.*

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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND FIFTH LEGISLATURE.

CHAPTER VII.

An Act for the division of the township of Upper Penns Neck, county of Salem, and to create a new township of the same, to be known as Oldmans township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Upper Penns Neck, in the county of Salem, lying within the following boundaries, to wit: Beginning at the middle of Oldmans creek, being the east corner of said township and corner to Pilesgrove township, and running along said township line until it intersects the middle of the Courses Landing road; thence down the middle thereof to a public road from the Pilesgrove line near Atwood's house; thence down the middle thereof, (1) north, fifty-two and three-quarter degrees west, thirty-seven chains, seventy-five links; (2) north, twenty-three degrees, forty minutes west, thirty-seven chains, twenty-five links; (3) north, thirty and one-half degrees west, seventy-one chains, seventy-five links; (4) north, thirty-nine degrees, forty minutes west, seven chains, twelve links; (5) north, thirty-three and one-half degrees west, nine chains, to a public road leading from Perkentown to the forked hickory; thence north, fifteen degrees west, about one and a half miles to the Delaware river railroad, where it intersects Wepo Hook Run, and from thence running down the middle of the main stream thereof, along its general windings to the Delaware river, being about one mile; thence square out in the Delaware river

Township divided into two townships.

Boundaries of the township of Oldmans.

to the ship channel ; thence up the main ship channel to opposite the mouth of Oldmans creek ; thence square in until it intersects the Salem and Gloucester counties' line, in the middle of said creek ; and from thence running up the middle of the main stream thereof, along its general windings, about twenty-one miles, to the place of beginning, shall be, and hereby is, set off from the township of Upper Penns Neck, in the county of Salem, and made a separate township, to be known by the name of "The Township of Oldmans."

Corporate
name.

2. *And be it enacted*, That the inhabitants of the township of Oldmans are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the Township of Oldmans, in the county of Salem," and shall be entitled to all the rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of other townships in the said county of Salem are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said township of Upper Penns Neck, so far as the same are or can be applicable to said township of Oldmans when set off as aforesaid.

The first town
meeting in Old-
mans—when
and where
held.

3. *And be it enacted*, That the inhabitants of the township of Oldmans shall hold their first town meeting at the school house in Pedricktown, in said township of Oldmans, on the day appointed by law for holding the annual town meetings in the county of Salem, and thenceforward at such place in said village as the inhabitants may appoint at each prior annual town meeting.

TOWNS commit-
tees to meet and
allot and di-
vide property
and money, &c.

4. *And be it enacted*, That the township committees of Upper Penns Neck and Oldmans shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the Odd Fellows Hall, in the village of Pennsgrove, in the township of Upper Penns Neck, and shall then and there proceed, by writing, to be signed by a majority of those present, to allot and divide between the said townships, all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of said townships, at the last assessment ; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper ; and the township of Oldmans shall be liable to pay their just proportion of the debts, if any there

be; and if any of the members of the said committees shall neglect to meet as aforesaid, those present may proceed to make such division, or the decision of a majority of them shall be final and conclusive.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Upper Peuns Neck at the time this act goes into operation shall thereafter be chargeable to and supported by that township within the bounds of which they acquire their settlements respectively, or in which the paupers may reside at the time of acquiring their respective settlements. Support of paupers.

6. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of Oldmans, of, in, or to any portion of the surplus revenue of the United States government to which the said township may now, or at any time hereafter, be entitled in the distribution of the surplus revenue of its income. Right to surplus revenue not impaired.

7. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township set off and called Oldmans, nor with the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation. Officers in commission not affected.

8. *And be it enacted*, That nothing in this act contained shall be construed to impair, or in anywise affect, the right of the said township of Oldmans to any portion of the state school fund to which the said township may now or at any time hereafter be entitled in the distribution of said moneys. Right to state school fund not impaired.

9. *And be it enacted*, That the inhabitants of the township of Oldmans shall hold their first township meeting at the time and place hereinbefore set forth, and at the first township election William H. P. drick shall be the judge of election, and Joseph W. Cooper and Alexander Justice, inspectors of election; and in case of the absence of one or more of them the vacancy shall be filled by the electors present as in other township elections, and a majority of such inspectors and judge shall appoint a clerk of said election. Judges of election. Appointment of clerk.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1881.

CHAPTER IX.

An Act to establish a new township in the county of Gloucester, to be called the township of East Greenwich.

Formation of a new township.

Boundaries of the township of East Greenwich.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Greenwich and Mantua, in the county of Gloucester, contained within the following bounds, to wit: Beginning in the middle of Great Mantua creek, opposite the westerly line of John A. Loudenslager's farm; thence following said line a westerly course to the middle of the public road leading from Berkeley to Gibbstown; thence by a straight line to the westerly edge of the public road leading from Paulsboro to Swedesboro, at the run near William E. Gaunt's dwelling house; thence down the westerly edge of said road to the middle of Purgy creek, in the line of Logan township; thence by the easterly line of Logan, Woolwich and Harrison townships to a large cherry stump near Joseph Stewart's dwelling house, where said Harrison township line intersects the westerly edge of the Union road; thence from said point bearing about north forty-four degrees east to the middle of Great Mantua creek aforesaid, said line passing a stone set in the westerly edge of said creek sixty-three feet eastwardly from an ancient white oak stump standing on the westerly bank thereof, northeast from Charles Shoemaker's dwelling house; thence down the middle of said creek to the place of beginning, shall be and are hereby set off from the said townships of Greenwich and Mantua, in the county of Gloucester, and made a separate township to be known by the name of the township of East Greenwich.

2. *And be it enacted*, That the inhabitants of the township of East Greenwich shall be and are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the township of East Greenwich, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities that other town-

ships of the said county of Gloucester are or may be entitled or subject to by the existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of East Greenwich aforesaid shall hold the first annual town meeting at Warner's Hall, in Clarksboro, in said township, at the time fixed by law for holding annual town meetings in the several townships of the county of Gloucester. Where first annual town meeting to be held.

4. *And be it enacted*, That the township committees of the townships of East Greenwich and Greenwich shall meet on the first Monday in April next, at Cramer's Hotel, in Paulsboro, in Greenwich township, at ten o'clock in the forenoon, and the township committees of the townships of East Greenwich and Mantua shall meet at Newton's Hotel, in Mantua, in the township of Mantua, at ten o'clock in the forenoon, on the second Monday of April next, and each of the said joint committees shall, at times and places specified, proceed by writing, signed by a majority of those present, to allot and divide between their respective townships, all property, real and personal, or moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment, and may adjourn the said meetings respectively, from time to time, as a majority of those present may think proper; and the inhabitants of each of the respective townships shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should refuse or neglect to meet as aforesaid, those assembled may proceed to make the said divisions, and the decision of a majority of those present shall be final and conclusive. Township committees to meet and allot property, moneys, &c.

5. *And be it enacted*, That J. Albert Wolf shall be and is hereby constituted the clerk of the township of East Greenwich until after the first annual town meeting of said township; and it shall be his duty, as such, to set up notices as required by law, for holding said town meeting, together with all the usual duties of town clerk. Clerk of the township.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners of deeds, until they shall expire by their own limitation, or so as to impair the rights of the said township of East Green- Officers in commission not affected.

wich, in and to its just and legal proportion of the surplus revenue of the general government and the interest thereof.

Assembly district.

7. *And be it enacted*, That the said township of East Greenwich shall form a part of the first assembly district of the county of Gloucester.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1881.

CHAPTER XXIII.

A Further Supplement to an act entitled "An act to authorize the planting of oysters on lands covered with water in Shark river, in the county of Monmouth, and for the protection of the same," approved March fourteenth, one thousand eight hundred and sixty-one.

Section to be amended recited.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which section as amended by chapter three hundred and eighteen of the special, public and private laws of one thousand eight hundred and seventy, reads as follows :

1. "*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth be and they are hereby authorized and empowered to occupy all that part of Shark river, in said county, within the following boundaries, that is to say: beginning at low water mark at Peach Point, in the township of Ocean in the said county, and running thence in a straight line to Beckey's Point, in the township of Wall, in said county; thence up said shores at low water mark, (crossing the mouths of all brooks that empty into said river,) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters; also all that cove known as Mushquash cove, north of a line from Doctor Miller's residence, to Sedge

Island bar; also beginning at low water mark at Peach Point, in the township of Ocean, and running thence in a straight line to Beckey's Point, in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark, and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark, on the west side of Long Point, opposite Yellow Bank, in the township of Ocean; thence up the shore of said river at low water mark to the beginning; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river, for the use and manner hereinafter provided for, and during the term of twenty years from and after the passage of this act," be and the same is hereby amended to read and be in the following words, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth be and they are hereby authorized and empowered to occupy all that part of Shark river, in said county, within the following boundaries, that is to say: beginning at low water mark at Peach Point, in the township of Neptune, in the said county, and running thence in a straight line to Beckey's Point, in the township of Wall, in said county; thence up said shores at low water mark, (crossing the mouths of all brooks that empty into said river,) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters; also all that cove known as Mushquash cove, north of a line from Doctor Miller's residence, to Sedge Island bar; also beginning at low water mark, at Peach Point, in the township of Neptune, and running thence in a straight line to Beckey's Point, in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark, and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark, on the west side of Long Point, opposite Yellow Bank, in the township of Neptune; thence up the shore of said river at low water mark to the beginning; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river, for the use and manner hereinafter provided for, until the fourteenth day of March, in the year of our Lord one thousand nine hundred and one.

Section as amended.

Freeholders authorized to occupy part of river.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1881.

CHAPTER XXXIV.

A Further Supplement to "An act to provide for the establishing and marking the boundary line between the counties of Passaic and Bergen," approved April fourth, one thousand eight hundred and seventy-eight.

Compensation
of commission-
ers for marking
boundary line,
&c.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by the act to which this is a supplement, and who were continued in office by chapter thirty-three of the laws of one thousand eight hundred and eighty, and who have completed the duties required of them, but have received no compensation whatever for the performance of said duties, shall each be entitled to receive three dollars for each day served by them under said acts, and those commissioners who have not been reimbursed for their expenses, shall be entitled in addition to five cents per mile for each mile traveled by them in going to and returning from the place of meeting of the commissioners; the compensation hereby allowed shall be paid by the boards of chosen freeholders of the counties in which the said commissioners respectively reside; *provided*, the whole amount to be paid shall not exceed three hundred (300) dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1881.

CHAPTER XL.

An Act to transfer certain portions of the townships of Frelinghuysen and Hardwick, in the county of Warren, to the township of Blairstown, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Frelinghuysen and Hardwick, in the county of Warren, included within the following described boundaries, to wit: Beginning at a point in the line between the townships of Blairstown and Frelinghuysen, where the centre line of the public road, near the residence of Lemuel Crisman, crosses said line, and running thence by the centre of said road in a northeasterly direction to the junction of the road leading from James V. Van Camp's to Paulina, on the hill near the Paulina school house; thence crossing the Paulinskill in a course north, twenty-six degrees west, eighty-four chains and thirty-two links to a heap of stones on the north side of the road leading from John Konkle's to Philip W. Squier's, both in the township of Hardwick, about six chains east of John Konkle's residence; thence by a line north, forty-five degrees west, twenty-six chains and ten links to a heap of stones in the line between the townships of Blairstown and Hardwick; thence by the line between Blairstown and the townships of Hardwick and Frelinghuysen, in a southeasterly direction to the place of beginning, be and the same is hereby transferred and set over from said townships of Frelinghuysen and Hardwick, and is attached to and made part of the township of Blairstown, in said county of Warren, and subject to all laws, rules and regulations to which said township of Blairstown now is or may hereafter be made subject, and all persons residing within the boundaries of the aforementioned tract of land shall be entitled to all the rights and privileges, and subject to all the duties and obligations of residents of said township of Blairstown, and that the boundary line between

Boundaries of the portions of townships transferred and annexed.

the said townships of Frelinghuysen and Hardwick and the township of Blairstown shall henceforth be, in part, as hereinbefore set forth and described.

Taxes assessed
—to whom paid
and how col-
lected.

2. *And be it enacted*, That all taxes heretofore assessed in said townships of Frelinghuysen and Hardwick, or either of them, upon any lands lying within the boundaries of the tract of land by this act transferred to the township of Blairstown, or upon any person residing within said boundaries, shall continue to be payable to and collectable by the proper officers of said townships of Frelinghuysen and Hardwick, respectively, and all and every process of law necessary or convenient for the collection of such taxes may be exercised by the proper officers of said townships of Frelinghuysen and Hardwick, or either of them, who are now authorized to carry on the same.

Lands de-
scribed and set
over to form
part of road
district.

3. *And be it enacted*, That the lands hereinbefore described and set over to said township of Blairstown shall, until otherwise directed by the proper authorities of the last named township, be and form part of the road district of the township of Blairstown, in the county of Warren, in which the village of Blairstown lies.

Township offi-
cers to have
jurisdiction or
authority over
the lands set
over, &c.

4. *And be it enacted*, That the several township officers of the townships of Frelinghuysen and Hardwick shall (except as hereinbefore provided) cease to have or exercise any jurisdiction or authority over the lands hereinbefore described and bounded and set over to the township of Blairstown, and the township officers of said township of Blairstown shall have full jurisdiction and authority over said lands and the inhabitants thereof.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1881.

CHAPTER CLXV.

An Act to establish a new township in the county of Warren,
to be called the township of Pohatcong.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Greenwich, in the county of Warren, contained within the following bounds, to wit: Beginning at the line between the townships of Lopatcong and Greenwich, at a point on said line between the farms of William Hamlin and Jacob Paulus; thence in a southeasterly course to a corner of the public road at the house occupied by the sexton of the Saint James' Lutheran Church; thence along said road to Stillvalley; thence to the forks of the road at the farm house of Robert T. Smith; thence in a direct course to a corner between the farms of Daniel Cease and Henry R. Kennedy; thence along the line between — Robbins and Henry R. Kennedy; thence on the line between the lands of Kase and Crevling to the Musconetcong river at or near Pine Hollow bridge; thence down the middle of said river to its confluence with the Delaware river; thence up the Delaware river to the line between the townships of Lopatcong and Greenwich; thence along said line to the place of beginning, shall be and is hereby set off from the township of Greenwich, in the county of Warren, and made a separate township, to be known by the name of the township of Pohatcong.

2. *And be it enacted*, That the inhabitants of the township of Pohatcong shall be and are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the Township of Pohatcong, in the County of Warren," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all the regulations, government and liabilities that other townships of the said county of Warren are or may be entitled or subject to by the existing laws of this state.

When first annual town meeting to be held.

3. *And be it enacted*, That the inhabitants of the township of Pohatcong aforesaid, shall hold the first annual town meeting at the hotel of Joseph Hulshizer, in Springtown, in said township, at the time fixed by law for holding annual town-meetings in the several townships of the county of Warren.

Township committee to meet and allot property, moneys, &c.

4. *And be it enacted*, That the township committees of the townships of Greenwich and Pohatcong shall meet on the second Monday in April, eighteen hundred and eighty-two, at Samuel Metler's hotel, in Stillvalley, in Greenwich township, at ten o'clock in the forenoon, and each of the said joint committees shall, at the time and place specified, proceed by writing, signed by a majority of those present, to allot and divide between their respective townships all property, real and personal, or moneys on hand, due or to become due, in proportion to the taxable property and ratables, as taxed by the assessor in their respective limits at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of each of the respective townships shall be liable to pay their just proportion of the debts, if there should be any; and if any of the persons comprising either of the township committees should refuse or neglect to meet as aforesaid, those assembled may proceed to make the said divisions, and the decision of a majority of those present shall be final and conclusive.

Clerk of township.

5. *And be it enacted*, That L. M. Jacoby shall be and is hereby constituted the clerk of the township of Pohatcong until after the first annual town meeting of said township; and it shall be his duty, as such, to set up notices, as required by law, for holding said town meeting, together with all the usual duties of town clerk.

Officers in commission not affected.

6. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners of deeds, until they shall expire by their own limitation, or so as to impair the rights of the township of Pohatcong, in and to its just and legal proportion of the surplus revenue of the general government and the interest thereof; *provided*, that nothing herein contained shall interfere with or impair the present township officers until the annual spring election of the year one thousand eight hundred and eighty-two.

Proviso.

7. *And be it enacted*, That the said township of Pohatcong shall form a part of the first assembly district of the county of Warren. ^{Assembly district.}

8. *And be it enacted*, That this act shall take effect on the first day of January, one thousand eight hundred and eighty-two.

Approved March 24, 1881.

PRIVATE ACTS.

wich, in and to its just and legal proportion of the surplus revenue of the general government and the interest thereof.

Assembly district.

7. *And be it enacted*, That the said township of East Greenwich shall form a part of the first assembly district of the county of Gloucester.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1881.

CHAPTER XXIII.

A Further Supplement to an act entitled "An act to authorize the planting of oysters on lands covered with water in Shark river, in the county of Monmouth, and for the protection of the same," approved March fourteenth, one thousand eight hundred and sixty-one.

Section to be amended recited.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which section as amended by chapter three hundred and eighteen of the special, public and private laws of one thousand eight hundred and seventy, reads as follows :

1. "*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth be and they are hereby authorized and empowered to occupy all that part of Shark river, in said county, within the following boundaries, that is to say : beginning at low water mark at Peach Point, in the township of Ocean in the said county, and running thence in a straight line to Beckey's Point, in the township of Wall, in said county ; thence up said shores at low water mark, (crossing the mouths of all brooks that empty into said river,) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters ; also all that cove known as Mushquash cove, north of a line from Doctor Miller's residence, to Sedge

Island bar; also beginning at low water mark at Peach Point, in the township of Ocean, and running thence in a straight line to Beckey's Point, in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark, and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark, on the west side of Long Point, opposite Yellow Bank, in the township of Ocean; thence up the shore of said river at low water mark to the beginning; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river, for the use and manner hereinafter provided for, and during the term of twenty years from and after the passage of this act," be and the same is hereby amended to read and be in the following words, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth be and they are hereby authorized and empowered to occupy all that part of Shark river, in said county, within the following boundaries, that is to say: beginning at low water mark at Peach Point, in the township of Neptune, in the said county, and running thence in a straight line to Beckey's Point, in the township of Wall, in said county; thence up said shores at low water mark, (crossing the mouths of all brooks that empty into said river,) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters; also all that cove known as Mushquash cove, north of a line from Doctor Miller's residence, to Sedge Island bar; also beginning at low water mark, at Peach Point, in the township of Neptune, and running thence in a straight line to Beckey's Point, in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark, and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark, on the west side of Long Point, opposite Yellow Bank, in the township of Neptune; thence up the shore of said river at low water mark to the beginning; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river, for the use and manner hereinafter provided for, until the fourteenth day of March, in the year of our Lord one thousand nine hundred and one.

Section as amended.
Freeholders authorized to occupy part of river.

one-hundredths of an acre, more or less ; that the particular trusts and purposes for which said meeting house and lot are so held are set forth in the original deed for the same, made by Benjamin Parker and Margaret, his wife, of the said township of Shrewsbury, to Luke Conrow and others, dated the fifteenth day of the seventh month, anno domini one thousand eight hundred and forty-three, and recorded in the clerk's office of the said county of Monmouth, in Book K4 of Deeds, page forty-four, et cetera ; that among the said trusts and purposes it is declared by the said deed that the grantees and trustees therein named, and their successors in the said trusts, should hold the said house and lot of ground for the only proper use, benefit and behoof of the monthly meeting of the Religious Society of Friends (called Orthodox), in the township of Shrewsbury, to be used and applied in such manner as the said monthly meeting shall direct, or if, in case the said monthly meeting shall cease to exist, then to be used and applied as the quarterly meeting of the said Society of Friends held at Shrewsbury and Rahway might direct ; or in case the said quarterly meeting should be dissolved, then to be used in such way as the yearly meeting of the said Society of Friends (called Orthodox) for Pennsylvania and New Jersey, et cetera, held on Arch street, in the city of Philadelphia, might direct ; yet, so as to secure to the Friends (called Orthodox, and no others,) in the township of Shrewsbury a place for public worship ; that in consequence of the decease and removal of nearly all the members of the said Society of Friends from the vicinity of the said meeting house within the period which has elapsed since the date of the said deed there have been no meetings for divine worship held therein for several years past, and the said monthly meeting of Friends of Shrewsbury, as also the said quarterly meeting of Shrewsbury and Rahway, have ceased to exist, and have been formally dissolved by the yearly meeting of the Society of Friends, held in Philadelphia aforesaid ; that in pursuance of the further terms of the said deed of trust, Lambert R. Ivins and Benjamin C. Parker, surviving trustees of the said premises, did convey the same, by the direction of the said yearly meeting of Friends for Pennsylvania, New Jersey, et cetera, held in Philadelphia, to the said Joel Wilson, Henry Wood,

William C. Ivins, Samuel Allinson, James Allinson and Richard F. Mott, in trust for the said purposes; that at a yearly meeting of the said Religious Society of Friends for Pennsylvania, New Jersey, et cetera (called Orthodox), held at their meeting house on Arch street, in the city of Philadelphia, on the twenty-second day of the fourth month, one thousand eight hundred and eighty, the following minute or resolution was duly adopted, viz.: "The attention of this meeting having been called to the situation of the meeting house and lot of ground at Shrewsbury, Monmouth county, New Jersey, which is now under the care of trustees appointed by this yearly meeting, and it being represented that no meeting for divine worship has been held in the house for several years past, and that there are not sufficient members of the Society of Friends in that vicinity to sustain such a meeting, it is the judgment of this meeting that the property should be sold; the trustees holding the legal title thereto are accordingly directed to apply to the next legislature of New Jersey for authority to sell the house and lot for such price as the trustees may think sufficient, and to apply the proceeds, under the direction of this meeting, for such purposes as may seem to accord most nearly with the intentions of the donors, as expressed in the original deed of trust for the premises; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joel Wilson, Henry Wood, William C. Ivins, Samuel Allinson, James Allinson, Richard F. Mott, trustees aforesaid, and the survivors of them, be and they are hereby authorized and empowered to sell at public or private sale, for such price as they may deem reasonable, all that the aforesaid meeting house and lot of ground situated in the village of Shrewsbury, county of Monmouth and state of New Jersey, as hereinbefore described, and to grant and convey the same, by a good and sufficient deed in fee simple, to the purchaser or purchasers thereof, clear of all trusts, and without any liability on the part of such purchasers to see to or be responsible for the application of the purchase money. Trustees authorized to sell meeting-house and lot of ground.

2. *And be it enacted*, That upon the receipt of the purchase money or price of the said premises, after defraying the necessary costs and expenses incurred in publishing and enrolling this act, and in advertising and selling the said prop- Trustees to invest proceeds of sale, &c.

erty or otherwise concerning the same, the said trustees shall and may invest the net proceeds thereof in such way and manner, and appropriate the income thereof for such uses and purposes as may seem most nearly to accord with those designated by the said original deed of trust for the said land and premises, as the said yearly meeting of the Religious Society of Friends (called Orthodox), held at Philadelphia, for Pennsylvania, New Jersey, et cetera, shall and may from time to time direct and appoint, by any minutes or resolutions concerning the same, adopted at its annual sessions.

3. *And be it enacted*, That this act shall go into effect immediately:

Approved February 16, 1881.

CHAPTER CLV.

An Act to empower "The Rector, Church Wardens and Vestry of Saint Peter's Church, in Perth Amboy," to make sale and conveyance of certain real estate.

Preamble.

WHEREAS, The said corporation is in possession of certain real estate, conveyed thereto by George Willocks and wife as to one undivided moiety thereof, and by John Harrison as to the other undivided moiety thereof, by deeds made in the year one thousand seven hundred and nineteen, in trust to and for the use of such ministers as serve the cure of said church and celebrate the worship of God according to the liturgy of the Church of England for the time being and their successors forever; *and whereas*, said lands having become valuable for building purposes, it is expedient that the same be sold, and their proceeds devoted to such use; therefore,

Corporation
thorized to sell
and convey
lands and in-
vest proceeds
of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation, "The Church Wardens and Vestrymen of Saint Peter's Church, in Perth Amboy," are hereby authorized, at their discretion, to

sell and convey the said lands, to them conveyed as aforesaid, by the said George Willocks and John Harrison, and to invest the proceeds of such sale in bonds of the United States or in first bond and mortgage on improved real estate worth double the amount loaned thereon, which securities shall be held (by the said corporation) only upon the same trust aforesaid, that is to say, to pay the interest and profits thereof to the rector or other minister of said church for the time being.

2. *And be it enacted*, That neither the said bonds and mortgages, nor the said interest thereon, shall be used for any other use or purpose whatsoever, nor shall any part of the proceeds of any such sale be loaned, directly or indirectly, to any minister, warden or vestryman of said church.

Bonds and mortgages and interest, not to be used, &c.

3. *And be it enacted*, That it shall not be lawful for the said corporation to sell, convey or mortgage any part of the real estate to them belonging, and used for their church, burial ground or Sunday school, anything in this or any other act to the contrary notwithstanding.

Unlawful to sell, convey or mortgage real estate used for church and other purposes.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CXCIIL.

A Supplement to an act entitled "An act to incorporate the Order of Saint Benedict in New Jersey," approved March fifth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement, shall have and possess the right and power of conferring the usual academic and other degrees granted by any other college in this state.

Certain rights conferred

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

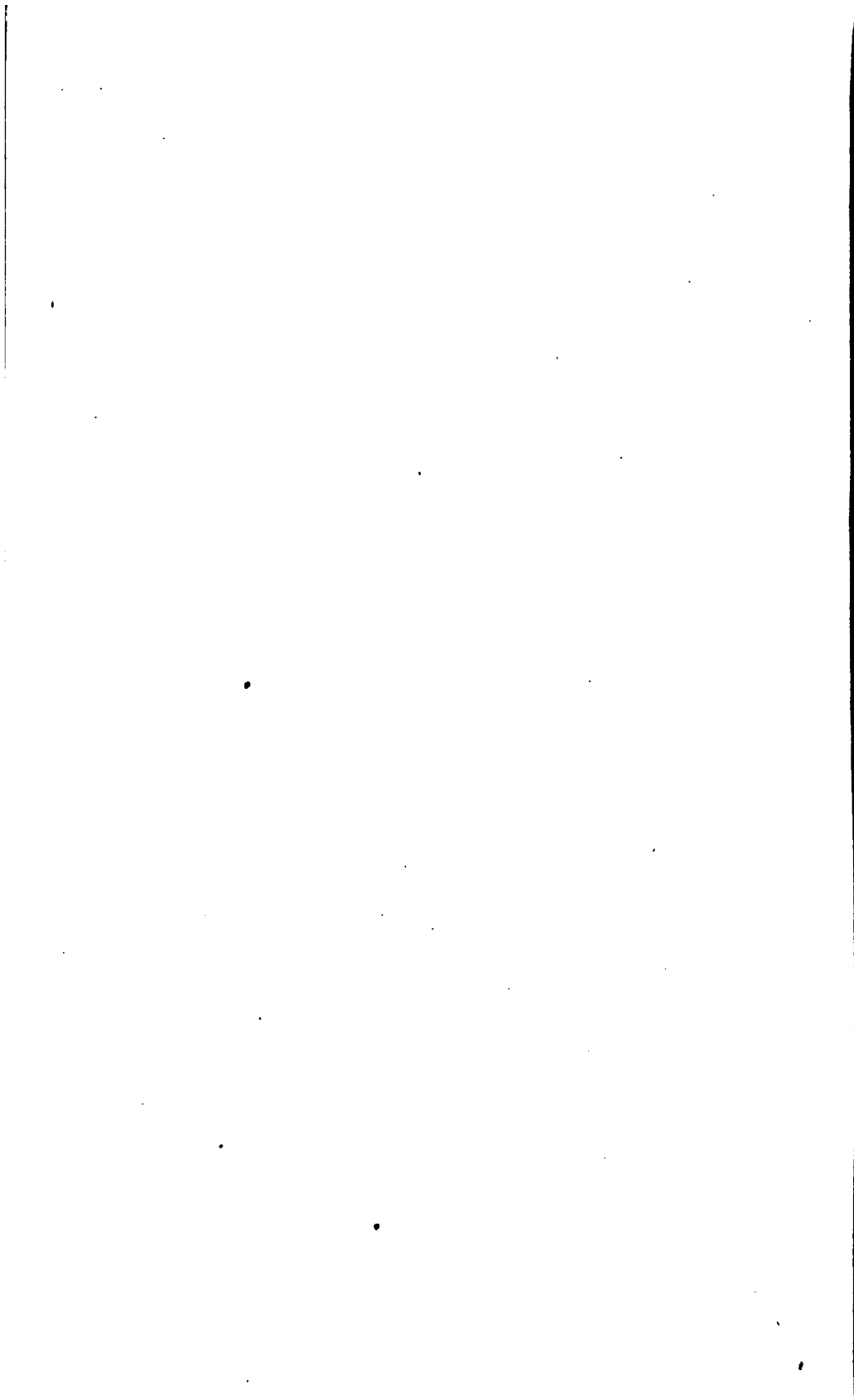


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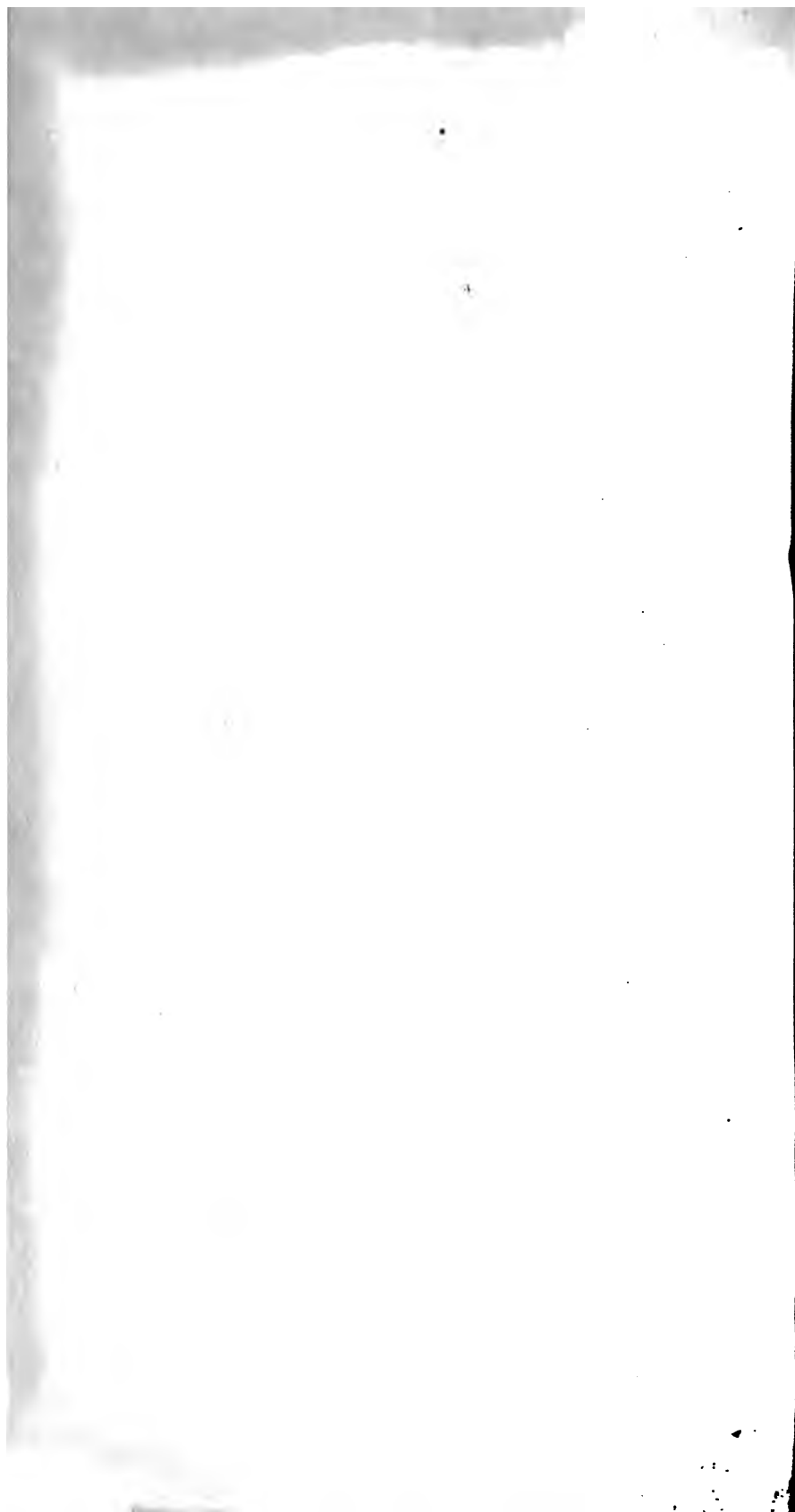
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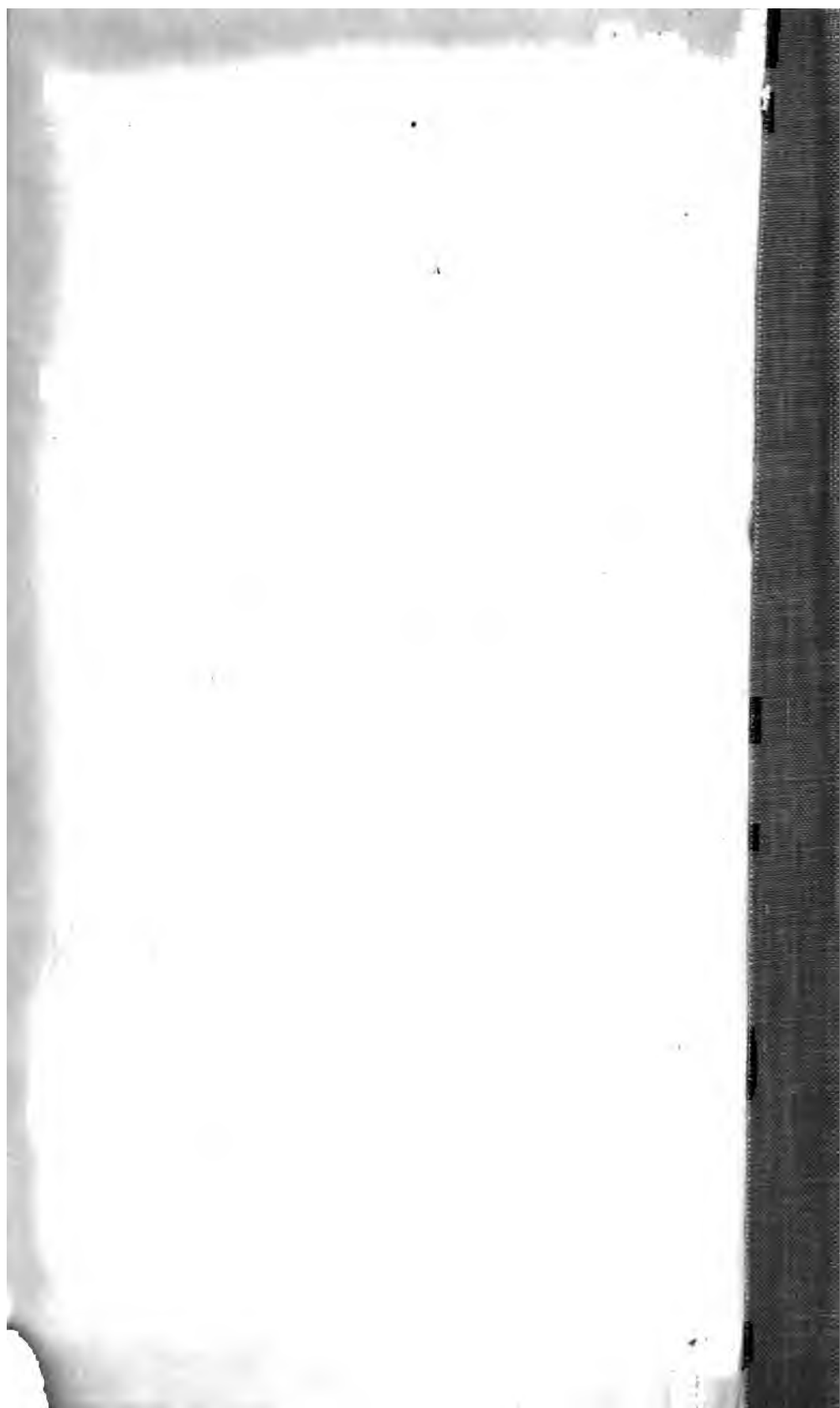
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